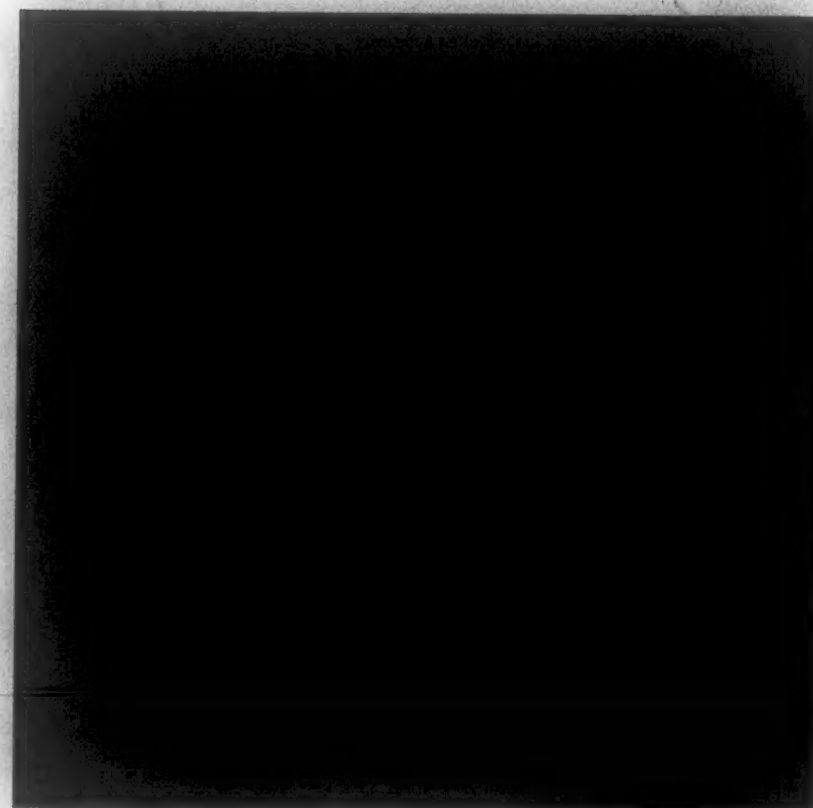
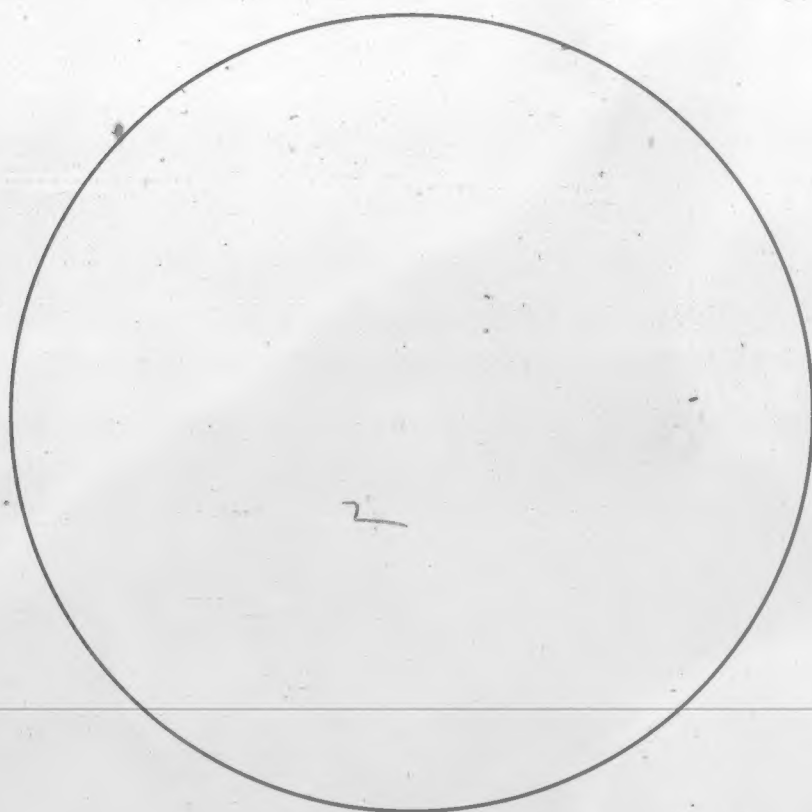
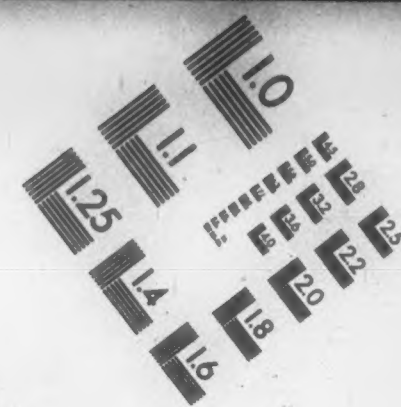
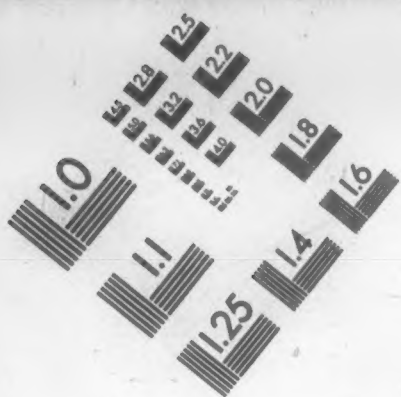
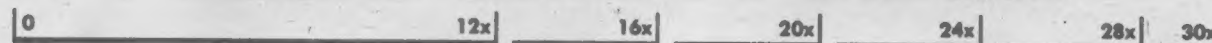




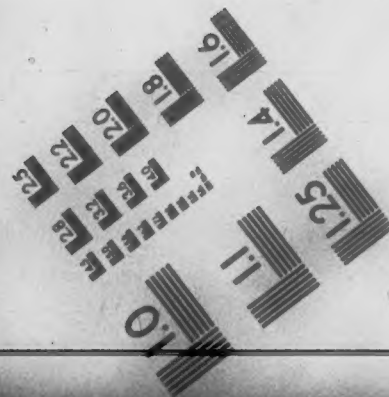
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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 412

CREEK ENROLLMENT CASES 998 - 1099

THE NATIONAL ARCHIVES
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE LAND OFFICE.

Testimony taken at Okmulgee, Oct. 25, 1899.

In the Matter of the Application of
Billy Carolina, for enrollment as a
citizen of the Creek Nation.

Col. B. H. DuVal appearing for the Creek Nation.

Billy Carolina being first duly sworn by Acting Chairman Bixby,
testified as follows:

By Mr. Bixby:

- Q What is your name? A Billy Carolina.
- Q How old are you? A About sixty I guess.
- Q How long have you lived in the Creek Nation?
- A I just lived backwards and forwards; not in the Creek nation altogether.
- Q How many years since the war have you lived in the Creek Nation?
- A I wasn't living exactly in the Creek Nation; I was living up above.
- Q You have been living mostly in the Chickasaw Nation, haven't you?
- A Yes sir.
- Q Lived about two years in the Creek Nation? A Yes, more.
- Q Where are you living now? A Up on the north River.
- Q How long have you been living there? A About 8 years ago.
- Q Where were you during the war? A In the Chickasaw Nation with my missis.
- Q When did you come back to the Creek Nation from the Chickasaw Nation? A I had to work in the nation at that time to get something to live on; there was nothing to be made; I had to make something to live on, and I kept drifting until I got down to the Chickasaw Nation.
- Q Do you remember when the war closed? A No, I don't.
- Q Do you remember when peace was declared? A No.
- Q Do you know anything about the Major Dunn payment in the Creek Nation? A No.
- Q Do you know whether you came to the Creek Nation before the M. K. & N. R. was built?
- A Shortly after the railroad was built.
- Q How did you get on the roll of '90? A The man George had us all put down on the roll.
- Q Sugar George? A Yes sir.
- Q Did you ever appear before the council?
- A No, I never appeared before the council, but they had me put on the roll they said.
- Q Sugar George put you on the roll? A Yes, Legal Perryman had him do it.
- Q You were taken off the roll of 1890? A I went into that court I spoke of a while ago; that is all it was done for.
- Q Did you appear before the Colburn Commission in 1896? A No.
- Q Did you appear before the citizenship commission in 1895? A No.
- Q You never had any trial before the Creek authorities?
- A None at all.
- Q You don't know your rights have been questioned?
- A Yes, I know that, but I had no one to attend to it. I was subpoenaed before the Commission. Something about a lease.
- Q You say you were subpoenaed to appear before some court in relation to a lease? A Yes.
- Q What kind of a lease?

#2 Billy Carolina.

- A The man I am living by now called Cornelius, probably you know him-- he had given out a lease to a man, and a report got out that I knowed something about it, and the Judge had me subpoenaed to court, and after I went down there they didn't want me to tell what little I knew concerning the lease. Roly McIntosh asked me if I could talk Indian; I told him I couldn't, but I could understand some words. He said I needn't talk because he didn't consider that I was a citizen of this country; he said he had me and all my people in his trunk in Okmulgee.
- Q Did the court decide you was not a citizen? A No.
- Q You say right there at that trial someone decided that you were not a citizen? Who decided you were not a citizen?
- A That was about the lease; Roly McIntosh said that I was not a citizen of the country.
- Q Who was the judge that was trying that case about the lease?
- A It was a judge at Wetumpka.
- Q What was his name? A I have forgotten his name; he was a full blood Indian.
- Q Was he the man that decided that you was not a citizen?
- A Not that I know of.
- Q How could Roly McIntosh decide?
- A He got up and spoke before the judge that I was not a citizen.
- Q Didn't the judge decide that you was not a citizen?
- A Not that I know of.
- Q Are you sure that you was not before the citizenship commission in 1895? A No, I don't recollect I have been before any court.
- Q The citizenship committee of 18 decided against you? A No.
- Q They seem to have decided your case? A If they did its more that I knew.
- Q When did you first find that your name was not on the roll?
- A Long before this last payment, \$14 payment, along that same time.
- Q Who told you about it? A Dick Harrel.
- Q What did he tell you? A He told me he was going to have a man in the place I was in; that I was not a citizen there for they called the case up.
- Q What man? A The men that called me as not a citizen; the fellows here at the court house.
- Q Was that the Colbert Commission? A No, the Creek Council.
- Q Don't you know which it was? The Creek or citizenship commission?
- A No, I don't know.

Sallie McLish being first duly sworn by Acting Chairman Bixby testified as follows:

- By Mr. Bixby -
- Q How old did you say you were? A Seventy-four.
- Q You are a citizen of the Creek Nation? A Yes sir.
- Q Are you a daughter of Gen'l Wm. McIntosh? A Yes sir.
- Q Do you know Billy Carolina? A Yes, he belonged to me.
- Q Did you ever own him in the Creek Nation? A Yes.
- Q Was he with you during the war? A Yes.
- Q When did you bring him back after the war?
- A I don't remember; after he got free he was working from one place to another when he could get something to do.
- Q Do you know how he got on the rolls of the Creek Nation?
- A No sir.

#3 Billy Carolina.

Q You don't know how he got off either do you?

A No sir.

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that this transcript is a true and correct translation of my stenographic notes.

Frank J. Brown

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application of Billy Carolina for enrollment as a citizen of the Creek Nation.

DECISION.

It appears from the record in this case that on October 25, 1899, Billy Carolina appeared before this Commission and made application for enrollment as a citizen of the Creek Nation claiming to be a Creek freedman.

The act of Congress approved June 28, 1898 (30 Stats. 495) provides:

"The roll of Creek Freedmen made by J. W. Dunn, under authority of the United States, prior to March 14th, 1867, is hereby confirmed, and said Commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

The evidence offered in support of the application of said Billy Carolina fails to show that his name can be found upon the roll of Creek freedmen made by J. W. Dunn as aforesaid or that he has been rightfully admitted to citizenship in the Creek Nation by the lawful authorities of said Nation.

It is therefore the opinion of this Commission that the application of said Billy Carolina for enrollment as a citizen of the Creek Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,
this the 17th day of May, 1901.

Acting Chairman.

Commissioner.

Commissioner.

In the Matter of the
Application for Citizenship
in the Creek Nation of
Billy Carolina.
To The Honorable Secretary of the Interior,

Washington, D. C.,

Comes now the aforesaid applicant, Billy Carolina, and respectfully asks that a rehearing be had in his case in order that he may present further evidence to establish his right to citizenship in said Nation.

In support of this said motion he herewith files the affidavits of John R. Goat, Berry Bruner and Frank Jacobs, said affidavits setting forth his right to citizenship in said Nation.

He states in connection herewith that the reason he did not present this evidence at the former hearing was that he anticipated no great difficulty in securing said citizenship as he had as a witness there the former owner, Sally McLish, now deceased, but that her evidence was disregarded because of her great age and enfeebled state. He further states that he is a poor old colored man and could not know of his own knowledge what evidence was necessary to establish his case.

Billy Carolina
Per Frank L. Warner
of Holdenville, I.T.

I, M. S. Mott, attorney for the Creek Nation hereby acknowledge service of the above motion. This August 8th 1905.

M. S. Mott
Creek Attorney.

I, _____, hereby certify that I have this day served a true copy of the above, on _____ Mott, Attorney for the Creek Nation. This the _____ day of _____ 1905.

UNITED STATES OF AMERICA, Indian Territory,
Western District.

Frank Jacobs being first duly sworn on his oath deposes and says: My name is Frank Jacobs, I am 65 years of age and my post office is Holdenville, Indian Territory; I am a citizen of the Creek Nation and on the Indian roll thereof; I am acquainted with Billy Carolina, of Bearden, I. T., an applicant for enrollment as a citizen of the Creek Nation and have been well acquainted with him since prior to the civil war; he was a slave and was owned by Sally McLish, a citizen of the Creek Nation by blood, and was freed by the treaty that freed all the slaves in the Creek Nation; I have been well and personally and intimately acquainted with him during the whole of the time since the war and he has never been absent from the Indian Territory unless it might have been for a short visit; I know all these facts from my own knowledge and that he is as much entitled to citizenship as any Freedman in the Creek Nation; his brothers and sisters and children are all on the roll and have been designated allotments in the Creek Nation. I have no interest in his securing this allotment but make this affidavit that justice may be done him.

Subscribed and sworn to before me this 14th day of September 1905.

Frank Warr
Notary Public.
My Com. Exp. Dec 12-1907.

UNITED STATES OF AMERICA, Indian Territory.
Western District.

John R Goat being first duly sworn on his oath
deposes and says: My name is John R Goat; I am a citizen
of the Creek Nation and on the Indian roll thereof; I am
~~75~~⁶¹ years of age and reside 2 1/2 miles from Holdenville, Indian
Territory; I am acquainted with Billy Carolina, of Bearden, I. T.,
an applicant for enrollment as a citizen of the Creek Nation and
have been well acquainted since prior to the civil war; he was a
slave and was owned by Sally McLish, a citizen of the Creek Nation
by blood, and was freed by the treaty that freed all the slaves in
the Creek Nation; I have been well and personally and intimately
acquainted with him during the whole of the time since the war and
he has never been absent from the Indian Territory unless it might
have been for a short visit; I know all these facts from my own
knowledge and that he is as much entitled to citizenship as any
Freedman in the Creek Nation; his brothers and sisters and children
are all on the roll and have been designated allotments in the Creek
~~Nation~~ Nation. I am no relation to Billy Carolina and have no interest
in the case.

John R Goat
Subscribed and sworn to before me this 4th day of September 1905.

Frank T. Warren
Notary Public.
My Commission Expires Mar 12 - 1907.

UNITED STATES OF AMERICA, Indian Territory.
Western District.

Berry Bruner being first duly sworn on his oath
deposes and says: My name is Berry Bruner; I am a citizen
of the Creek Nation and on the Indian roll thereof; I am
58 years of age and reside 2 miles from Holdenville, Indian
Territory; I am acquainted with Billy Carolina, of Bearden, I. T.,
an applicant for enrollment as a citizen of the Creek Nation and
have been well acquainted since prior to the civil war; he was a
slave and was owned by Sally McLish, a citizen of the Creek Nation
by blood, and was freed by the treaty that freed all the slaves in
the Creek Nation; I have been well and personally and intimately
acquainted with him during the whole of the time since the war and
he has never been absent from the Indian Territory unless it might
have been for a short visit; I know all these facts from my own
knowledge and that he is as much entitled to citizenship as any
Freedman in the Creek Nation; his brothers and sisters and children
are all on the roll and have been designated allotments in the Creek
~~Nation~~ Nation. I am no relation to Billy Carolina and have no interest
in the case. Witness

J. B. Avery

Berry Bruner

Subscribed and sworn to before me this 4th day of September 1905,

Frank L. Warner

Notary Public

My Commission Expires March 13-1907

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Billy Carolina as a citizen of the Creek Nation.

MOTION TO REOPEN.

Comes now the applicant herein and moves that the above entitled cause
be reopened and reviewed, and that he be enrolled as a citizen of the
Creek Nation, for the following reasons, to-wit:

First: Because applicants name appears upon the 1890 authenticated
rolls of the Creek Nation, which fact under the late decisions of the
Department of the Interior clearly entitles this applicant to enroll-
ment by the Commissioner to the Five Civilized Tribes.

Second: Because if it does not clearly appear from the record
in this cause that the applicant's name appears upon the 1890 Authenti-
cated roll of the Creek Nation, this fact can be clearly proven to the
satisfaction of the Department if said cause is reopened.

WHEREFORE, Applicant prays that this cause be reopened and re-
viewed, and that he be enrolled as a citizen of the Creek Nation.

E. H. Astain

Attorney for Applicant.

Service of a copy of the foregoing motion accepted this 25th day of
June, 1906.

M. L. Mott

Attorney for Creek Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 29, 1906.

In the matter of the application for the enrollment of Billy Carolina as a Creek citizen.

Application for the enrollment of Billy Carolina was denied by the Commission May 17, 1901 and on January 27, 1902 said decision was affirmed by the Department. On September 16, 1905 Frank L. Warren, attorney for applicant, filed a motion for a rehearing by affidavits. On December 8, 1905 said motion was granted and a rehearing was directed in this case and it was set for rehearing January 15, 1906. On that date the attorney for applicant and the attorney for the Creek Nation appeared and by mutual consent the case was continued to January 29 at which time a hearing was had.

APPEARANCES: F.L. Warren through S.L. O'Bannon
Merritt Eslick for M.L. Mott, atty. for
Creek Nation.

BILLY CAROLINA, being duly sworn testified as follows:

- Q What is your name? A Billy Carolina.
Q Have you made application for enrollment as a citizen of the Creek Nation? A Yes, sir.
Q Do you claim to be a citizen of the Creek Nation? A That's what I call myself.
Q Do you claim to have any Indian blood in you? A I don't know whether I have or not.
Q Are you claiming as a citizen by blood or as a Creek freedman? A Creek freedman.
Q To what town do you belong? A North Fork.
Q Where were you born? A On the Arkansas.
Q In the Creek Nation? A Yes, sir.
Q Before the war? A Yes, sir.
Q Were you here during the war? A Yes, sir.
Q Didn't you leave during the war? A No, sir.
Q Been here ever since? A Yes, sir.
Q Did you ever draw any money from the Creek Nation? A Yes, sir.
Q Did you draw it yourself? A Drew the \$29.00 annuity.
Q When was that? A I couldn't tell you exactly how long, but I drew it.
Q As a member of what town? A North Fork town.
Q Did you go at the time of that \$29.00 payment and get it yourself? A Yes, sir.
Q Are you sure of that? A Yes, sir.
Q Have you ever been out of the Creek Nation? A No, sir I was always in the Creek Nation.
Q How long did you live on the Arkansas River? A I was born there but I didn't always live there.
Q Where did you go from there? A Moved over on this side of the Nation.
Q In the Creek Nation? A Yes, sir.
Q Then where did you go? A I was in the nation all the while never was in the states.
Q The Creek Nation don't mean all the Indian Territory? A I know but I was in the Creek Nation pretty much all my life.
Q Ever in the Chickasaw Nation? A A little but not very long.

Q Were you there at the time of the \$29.00 payment? A I moved over on this side in the Creek Nation at the time of the \$29.00 payment.

Q Are you sure you drew that money yourself? A Yes, sir.

Q Who paid you that \$29.00? A I forget his name; an old gentleman living in the Creek Nation quite a while---old man---I forget his name. An old gentlemen who used to live at Okmulgee.

Q Was he conducting the payment? A Yes, sir.

Q Other people came there and got money from him? A Yes, sir.

Q You are sure you drew this money in person? A Yes, sir, I drew for myself and for my whole family.

Q How many members of your family? A There were eight in the family

Q Counting yourself? A Yes, sir.

Q Under what name did you draw that money? Billy Carolina.

Q Did you see your name on that roll? A No, sir, but they said my name was on the roll.

Q Can you read and write? A No, sir.

Q You are sure you drew that money yourself? A Yes, sir.

Q And that at the same time you drew for the other members of your family? A Yes, sir.

Q What were their names? A Phillis my old woman, Lucy, Jennie, Tonie.

Q What were the names of the others? A I can't recollect the others. They died. They were small children and they died but there was eight in the family as I recollect. Of course my recollection is very short.

Q You appeared before the Dawes Commission in 1899 and made application for enrollment as a citizen of the Creek Nation? A Yes, sir.

Q At that time you testified as follows:-- Q How long have you lived in the Creek Nation and you answered, A. I just lived backwards and forwards; not in the Creek Nation altogether.

Q How many years since the war have you lived in the Creek Nation?

A I wasn't living exactly in the Creek Nation; I was living up above.

Q You have lived mostly in the Chickasaw Nation, haven't you?

A Yes, sir.

Q Lived about two years in the Creek Nation? A Yes, more

Q Where are you living now? A Up on the north River.

Q How long have you been living there? A About 8 years ago.

Q Where were you during the war? A In the Chickasaw Nation with my missis.

Q When did you come back to the Creek Nation from the Chickasaw Nation? A I had to work in the nation at that time to get some thing to live on; there was nothing to be made; I had to make something to live on, and I kept drifting until I got down to the Chickasaw Nation.

Q Do you remember when the war closed? A No, I don't

Q Do you remember when peace was declared? A No

Q Do you know anything about the Major Dunn payment in the Creek Nation? A No.

Q Do you know whether you came to the Creek Nation before the M. K. & T.R.R. was built? A No, shortly after the railroad was built.

Q How did you get on the roll of '90? A The man George had us all put down on the roll..

Q Sugar George? A Yes, sir.

Q Did you ever appear before the council? A No I never appeared before the council, but they had me put on the roll they said.

Q Sugar George put you on the roll? A Yes, Legal Perryman had him do it.

Q You were taken off the roll of 1890? A I went into that court I spoke of a while ago; that is all it was done for.

Q Did you appear before the Colbert Commission in 1896? A No

Q Did you appear before the citizenship commission in 1895? A No

Q You never had any trial before the Creek authorities? A None at

By Attorney.

- Q You said a while ago you were born on the Arkansas river, what place if you remember? A Just above Fort Gibson. Between the Grand river and the Arkansas, Choska was the name of the place.
- Q Were you a slave in the Creek Nation? A Yes, sir.
- Q To whom did you belong? A Sallie McIntosh.
- Q How long did you remain in the Creek Nation before you went off? A They carried me south while I was yet a baby.
- Q Where to? A Further in the nation.
- Q In what nation? A In this nation.
- Q You testified awhile ago that you had been to the Chickasaw Nation, how long were you there? A A while.
- Q About how long? A I couldn't tell.
- Q Did you go there yourself or were you carried there? A I was carried there by my owner.
- Q Who was your owner at that time? A Sallie McIntosh.
- Q That was the maiden name of your mistress? A Yes, sir.
- Q What was her married name? A Sallie McLish.
- Q Did you always belong to her? A Yes, sir till I was turned loose.
- Q How did you get your freedom? A I don't know, same as all the others I guess. I was turned loose.
- Q Before or after the Civil War? A After the Civil War.
- Q Was Sallie McLish a citizen of the Creek Nation? A Yes, sir.
- Q Was she a freedman or Indian? A Indian.
- Q Who was your band chief while you were a member of the North Fork town? A Old man George--Sugar George.
- Q Were you ever a member of any other town? A I was a member of Canadian town a while and then I went from there to the North Fork roll and there was where they throwed me off.
- Q Who was town king when you were a member of Canadian town? A Paro Bruner.
- Q Which was you a member of first? A Canadian town first under Paro Bruner.
- Q How came you to make that change? A Because my woman was on the North Fork roll and I thought we both ought to be on one.
- Q Who do you mean by your old woman? A My wife.
- Q You testified a while ago with reference to your family and you only enumerated four members, don't you remember any of the other members of your family now? A I don't know as I could give the names now.
- Q As a matter of fact haven't you two members at home younger than Tonie? A Yes, sir. Jim and Isaac.
- Q What is your wife's name? A Phillis.

BY COMMISSIONER.

- Q What was the name of Phillis's father? A I don't know her father.
- Q Her mother? A Jennie Richard; dead now.

ATTORNEY.

- Q Did you have any brothers? A Yes, sir.
- Q What are their names? A Quash Carolina.
- Q Where is he? A He's dead now.
- Q Was he ever enrolled as a citizen of the Creek Nation? A Yes, sir he was enrolled right at Okmulgee.
- Q Did he receive an allotment of land in the Creek Nation? A Yes.
- Q Are you a full brother of his? A Yes, sir; one mother and one father.
- Q Older than you? A Younger than I was.
- Q Did you have any other brothers. A I had a brother older than I was. He died. His name was Jim Hawkins.

Q Did he receive an allotment in the Creek Nation? A No, sir not as I know of but he was considered a citizen of the nation. He had drew money before he died.
Q How long has he been dead? A Eight or ten years and may be more.
Q Did you have any sisters? A No, sir, no living sisters. All died just me alone now of the old race that's living.

COMMISSIONER.

Q Did you ever draw any money as a member of Canadian town? A Not under Pare I didn't; I don't recollect of drawing any
Q Do you claim to be on the Dunn roll? A No, sir.
Q Wasn't you here when the Dunn roll was made? A I was here but not put on the Dunn roll.
Q Why? A Because I didn't go to put my name down, only a few got down that time.
Q You didn't draw any money then? A No, sir.
Q You are sure you were here when the '90 payment was made? A Yes.
Q You are sure your name was on the 1890 roll as Billy Carolina? A Yes, sir. I don't know when it was put on but guess Dick Harrod had it put on.
Q How came you to get the money if your name wasn't on the roll? A He must have had our name on it I guess.
Q Is Dick Harrod living? A Yes, sir.
You had better get him to come in here and testify.

ATTORNEY.

Q Was there any other person a member of this North Fork town whose name was Billy Carolina? A No, sir.

COMMISSIONER.

Q How do you know? A There is no one but me.
Q Do you know everybody in North Fork town? A No, sir.
Q How do you know then there is no other man named that? A I have a couple of nephews but one goes by the name of Jim and the other one William Carolina.
Q As a matter of fact you don't know whether there was any other Billy Carolina in North Fork town? A I don't know. There may be but I don't know.
Q If there is any you don't know? A Yes, sir.
Q How old are you? A I don't know exactly. I call myself about 70 or 75, may be a little older.

ATTORNEY FOR CREEK NATION.

Q You say you were a baby when you were carried off? A Yes, sir.
Q Was that in the war? A No, sir, that was before the war.
Q You say your owners were named McIntosh? A Yes, sir.
Q How do you come by the name of Carolina? A On account of my grandfather, he was a Carolina. My father's name was Tonie.
Q When did you assume the name of Carolina? A After I got to be at liberty.
Q How soon after? A A while after I was set free.

COMMISSIONER.

Your father's name was Tonie, Tonie what? A That's all the name I know.
Q Was he living at the time of the \$29.00 payment? A No, sir.
Q Was your wife Phillis living at the time of the \$29. payment?
A Yes, sir.
Q Did you draw for her or did you draw for yourself? A Yes, sir I drew for her and all the children.

JOHN ROBERT, being duly sworn testified as follows:

- Q What is your name? A John Robert.
Q What is your age? A Close on to 63.
Q What is your post office address? A Taft.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Canadian.
Q Do you know Billy Carolina, the applicant here? A Yes, sir.
Q When did you first get acquainted with him? A Ever since he was quite a young man, way before the war.
Q Does he claim to be a citizen of the Creek Nation? A His owner was Creek.
Q Do you know what Creek Indian town he claims to belong to? A North Fork.
Q Was he ever a member of your town? A North Fork town.
Q Did you draw the 1890 payment? A Yes, sir.
Q Do you know if Billy Carolina did? A I couldn't tell you about that.
Q You didn't see him or see him draw it? A No, sir.
Q You know he didn't draw it in your town? A He didn't draw it in Canadian town.
Q Did you draw for yourself and family? A Yes, sir.
Q Did you all appear at the same place on the roll? A Yes, sir.
Q Was it the custom that the family were there together? A Yes, sir.
The one who did the drawing was at the head of the family.

ATTORNEY FOR APPLICANT/.

- Q Do you know of your own personal knowledge that Billy Carolina was a member of North Fork town? Yes, sir. Sugar George was the head man. Quash McLish went to Fort Gibson as a soldier at the time of the war.
Q Is Quash McLish the same man that is known as Quash Carolina? A Yes, sir at that time we went by our mistress' name.
Q Can you tell how this man went by the name of Carolina? A She married a man named McLish.
Q How does he get the name of Carolina? A He must have gotten it from his father. When I first went on the roll it was my masters name but the last roll I went by Robert.

COMMISSIONER.

- Q How do you know this man was a member of North Fork town? A His brother belonged there.
Q How do you know he belonged there? A I am not certain.
Q What made you say it then, what did you mean? A I didn't mean anything.

ATTORNEY FOR APPLICANT.

- Q How long have you known Billy Carolina? A I knew him before the war.
Q Were you always a member of Canadian town? A Yes, sir.
Q Do you know all the members of that town? A No, sir.
Q As a matter of fact do you know whether Billy Carolina was ever a member of Canadian town? A I don't know.
Q Was he generally known to be a member of that town? A I belong to Canadian and they belong to North Fork.

COMMISSIONER.

- Q If you don't know whether or not he belonged to your town you wouldn't know whether he belonged to any? A They used to go down and vote.
Q Is that a sign? A Yes, sir.
Q That wouldn't make him a member of North Fork town because he voted down?
A He couldn't have voted if he didn't belong.

ATTORNEY FOR APPLICANT.

Q Did he vote with the North Fork town people? A Yes, sir he came there, they voted at the Dave Lee place.

COMMISSIONER.

Q How do you know he voted? A He must have voted. He came there to vote.

Q Did you see him vote? A No, sir.

Q You don't know he voted then? A They all voted there. I suppose when they came to vote at election time they would vote.

Q Do you know if this applicant, Billy Carolina, ever drew any money from the Creek Nation? A I don't know.

JOHN R. GOAT, being duly sworn testified as follows through Alex Posey official interpreter.

COMMISSIONER.

Q What is your name? A John R. Goat.

Q What is your age? A About 62.

Q What is your post office address? A Holdenville?

Q Are you a citizen of the Creek Nation? A Citizen by blood.

Q To what town do you belong? A Little River Tulsa.

ATTORNEY FOR APPLICANT.

Q Do you know Billy Carolina the applicant here? A Yes, sir.

Q How long have you known him? A I knew him before the war.

Q Where did you know him? A I became acquainted with him on Little River.

Q Do you know if he ever belonged to Sallie McIntosh later known as Sallie McLish? A His owner was Sallie McIntosh who married Frazier McLish.

Q Do you know if he has always lived in the Creek Nation since you got acquainted with him? A Yes, sir, he was here before the war and here since.

Q Have you known him regularly all this time? A I didn't see him for some time during the war but afterwards saw him in the Chickasaw Nation.

Q Do you know how long he remained in the Chickasaw Nation? A I don't know how long, when I heard of his return to the Creek Nation. I remember he returned to the Creek Nation when I was living in what is now the Seminole Nation.

Q How long ago was that? A I moved away from there in '81 and he returned to the Creek Nation before I moved from there.

Q About how long? A Something like three years to my best recollection.

Q Have you ever missed him out of the Creek Nation since that time? A I never heard of him leaving the Creek Nation since his return.

Q Do you know what town he belonged to? A North Fork colored town. His town king was Sugar George.

Q Do you know all the members of that town? A I knew a few members of that town but not all and am acquainted with the leaders of the town.

Q Do you know of any other member of that town who went by the name of Billy Carolina? A No, sir. I knew an old negro who lived in the Seminole Nation who was known simply as Caroline and he is still living.

Q Have you always lived in the Creek Nation? A I never left the country but once and that was during the war.

Q How long were you away from there? A About three years.

COMMISSIONER.

Q How do you know this applicant Billy Carolina was a member of North Fork town? A I never knew to what town in the Creek Nation he belonged until his citizenship was questioned and that time I heard he belonged to the North Fork colored town. That was before the Colbert Commission that his citizenship was questioned. I think it was about that time.

Q Did you ever see his name on any of the tribal pay rolls in the Creek Nation? A No, sir, I never examined the rolls.

Q You don't know then whether he ever drew any money from the Creek Nation? A No, sir.

Q His right wouldn't be question in the Creek Nation would it if he hadn't made some sort of claim before? A I don't know.

Q Do you know why his right was questioned at that time? A I don't know. I am not familiar with the ins and outs of this case at all. Don't know why his rights were questioned.

Q This old man Carolina you spoke of in the Seminole Nation is he enrolled as a Creek or Seminole? A Enrolled in the Seminole Nation

Q Do you know what town he belonged to? A I don't know.

Q Is he enrolled as a Seminole by blood or freedman? A As a Seminole freedman.

Q Do you know if he ever belonged to North Fork town? A He was never a citizen of the Creek Nation.

Q Did he ever live in the Creek Nation, do you know? A No, he didn't

Q Do you know any of the applicants of this Billy Carolina, the applicant? A I used to see a person named Quash; he was said to be a brother of his. He was taken north during the war.

ATTY. FOR APPLICANT.

Q To what town did Quash belong? A I don't know. The different towns were organized after the war and I don't know in which town he was enumerated.

Q Was Billy Carolina recognized as a citizen of the Creek Nation by other citizens? A I don't know what the status of his citizenship was but I do know that before the war he was the slave of a Creek citizen.

COMMISSIONER.

Q Do you know if he ever voted at the elections in the Creek Nation? A I don't know. The officers of the town to which he belonged would probably be able to give you that information.

Q Do you know who the officers of the North Fork town were at the time Billy Carolina was a member of that town? A Sugar George was town king of North Fork at the time I heard he belonged to that town?

ATTY. FOR APPLICANT.

Q Is Sugar George living? A I haven't heard that he is dead

Q Were you ever a member of the Creek council? A I was a member in 1890 but have forgotten who took charge of that payment.

FRANK JACOBS, being duly sworn, testified as follows:

Q What is your name? A Frank Jacobs.

Q What is your age? A Sixty six

Q What is your post office address ? A Holdenville.

Q Are you a citizen of the Creek Nation? A A citizen by blood.

Q Do you know this applicant here Billy Carolina? A Yes, sir

Q Do you know if he is a citizen of the Creek Nation? A I don't know if he is or not. He was owned by a citizen of the Creek Nation.

Q Is that all you know about it that he was owned by a citizen of the Creek Nation? A Yes, sir.

Q What was her name? A Sallie McIntosh.

Q How do you know he was her slave? A They lived about three miles from me before the war and she was my wife's mother's sister.

ATTY. FOR APPLICANT.

Q How long have you known Billy Carolina? A All his life.

Q Do you know if he has always lived in the Creek Nation? A I think after the war he lived in the Chickasaw Nation for a while.

Q Do you know how long he was in the Chickasaw Nation? A I don't know, but I never missed him he was backwards and forwards all the time. He was near Silver City in the Chickasaw Nation.

Q Have you always lived in the Creek Nation? A Born and raised right there, never did live more than ten miles from where I was born and he was raised about three miles from me.

Q Do you know how he got his freedom? A Like the rest of them I guess.

Q He wasn't freed by his mistress before the war? A No, sir.

Q Was it before or after the war he went to the Chickasaw Nation?

A Right after the war. I think they lived on Washita during the war. I may be mistaken about that but the balance of his folks was living on Washita. It has been so long I have kind of mixed up.

Q Were you ever associated with Billy Carolina in his young days and if so to what extent. A All the time just like I would any other neighbor. I would visit him.

Q Do you know what town he belonged to? A I don't know. I didn't pay any attention after the war; before that they didn't belong to any town, they were slaves.

Q You don't know whether he was a member of North Fork? A No, sir. I supposed he was a citizen all the time. I never missed him hardly. Qs He always been recognized as a citizen of the Creek Nation? A I don't know. I supposed he was.

Q Have you known him very intimately since the war? A Yes, sir.

Q Where has he been living most of the time? A On North Fork going backwards and forwards. I used to stay at Wewoka and he passed there often and often.

Q Do you know if he ever voted with the citizens or not at any election? A I don't know.

Q Do you know any reason for his citizenship ever being questioned? A I heard a little about it but I don't know much about it. I heard his case came off and he wasn't a citizen something like that.

Q You know then that he had lived on North Fork? A Yes, sir.

Q Where did he live after the war? A That's the only place I know him living, near Tecumseh Bruner.

Q Did you know very many members of the North Fork town? A Yes, sir.

Q Where did they live? A I know a good many lived there.

Q Have you always lived in the Creek Nation? A Yes, sir.

Q Do you know any other person in the Creek Nation named Billy Carolina? A No, sir.

JOHN M. TAYLOR, being duly sworn testified as follows:

Q What is your name? A John M. Taylor.

Q What is your age? A Fifty.

Q What is your post office address? A Holdenville.

Q Are you a citizen of the Creek Nation? A A freedman.

Q To what town do you belong? A Canadian.

Q Did you ever know a man in your town named Billy Carolina?

A Yes, sir. I can tell you this way, he used to belong to North Fork and then he changed to Canadian.

Q How do you know? A I knew I saw him go in to vote.

Q Did you see him vote? A No, sir.

Q All you know about him belonging to North Fork town is he said he belonged to it and I saw him going to vote? A Yes, sir.

Q Did he tell you he voted? A Yes, sir, and he told me he voted for

Legus Parryman at one time.

Q Do you know as a matter of fact that he belonged to North Fork town? A Only what he said.

Q How do you know that later on he was a member of Canadian Town?

A It hasn't been very long that Paro told me himself that Carolina was on his roll?

Q That's been 3 or 4 years ago, when was he put on that roll? A It might be 3 or 4 years ago.

Q What did they use it for 3 or 4 years ago? A To keep the number of men in the band.

Q It wasn't an authenticated roll was it, it was simply something made by Paro? A No, sir. it was a roll of the Creek Nation, of the citizens.

Q Don't you know the Creek Nation hasn't ordered any roll in the last 3 or 4 years? A I might be mistaken in the time. Since the Dawes Commission came here Billy Carolina had his name stricken from the North Fork and put on the Canadian.

Q Don't you know that the last authenticated roll of the Creek Nation was made in 1895 when the last payment was made? A I suppose if that's the date why its correct.

Q You don't mean to say Billy Carolina was on the Canadian roll at that time? A No he was on the North Fork.

Q You ought to know that if any roll was made since 1895 it was one for the use of the officers? A I don't know anything about the nature of the roll but Paro told me that Carolina was taken from North Fork to Canadian.

Q How do you know he was on North Fork town? A Only what he said and other people claimed he was on that roll.

Q You never saw his name on any roll? A No, I never seen it.

Q Do you know if he ever drew any money from the Creek Nation?

A Not of my personal knowledge only what he says.

Q Did you draw the 1890 payment of \$29. A Yes, sir.

Q Didn't see Billy Carolina or any one else draw for him at that time did you? A No, sir he was there but I didn't see him draw any money.

Q Was anybody with him? A His sisters and brother was with him.

ATTY. FOR APPLICANT.

Q Who was his brother that was with him? A Quash Carolina.

Q Was he a citizen of the Creek Nation? A Yes, sir.

Q Did he get an allotment? A Yes, sir.

Q Is he living? A No, sir, dead.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 30 day of January 1906.

Anna Garrigues

J. M. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 30, 1906.

Cr.En.998

In the matter of the application for the enrollment
of Billy Carolina as a Creek citizen.

APPEARANCES: F.L. Warren by S.L.O'Bannon
M.L.Mott (for Creek Nation) by Merritt
Balick.

BILLY CAROLINA, being duly sworn, testified as follows:

Q What is your name? A Billy Carolina.
Q You testified in this case here yesterday? A Yes, sir.
Q You stated then that you had drawn the \$29. payment yourself,
did you draw the next payment-the \$14. payment? A No, sir I didn't
draw that.
Q Did any one draw it for you? A I drew for my family but not for
myself.
Q Why not for yourself? A They threw me off the roll.
Q Who threw you off? A The parties that done it.
Q What were the names of your family that you drew the \$14. payment
for? A My wife named Phillis, my daughters Jennie, Lizzie and Katie
and Jim, Isaac and Tonie; that's all I recollect I drew for.
Q Is that all the people you drew for, the people you mention?
A That's all I remember. I didn't call Robert and Polly Ann because
they wasn't my children.
Q Did you draw for them? A I didn't draw for them when I drew the
\$29.
Q Did you draw for Robert and Polly Ann at the \$14.? A I don't
believe I did, if I did I don't recollect.

ATTY. FOR APPLICANT.

Q How long have Robert and Polly Ann been living with your family?
A Quite a while.
Q About how many years? A Robert over 20 years and Polly not that
long. She wasn't more than 3 or 4 years when I took her.
Q How old is she now? A About 14 I guess.

WARRIOR RENTIE, being duly sworn, testified as follows:

Q What is your name? A Warrior Rentie.
Q What is your age? A About 43 I guess.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? Arkansas
Q You don't know much about the citizens of North Fork town do you?
A Some, Yes, sir.
Q Do you know that applicant here, Billy Carolina? A Yes, sir.
Q Is he a citizen of the Creek Nation? A Yes, sir.
Q To what town does he belong? A North Fork.
Q Doesn't belong to your town? A No, sir.
Q How do you know he is a citizen of the Creek Nation? A Because
he was enrolled in North Fork town.
Q How do you know? A I have seen it
Q What roll? North Fork town roll.

Q What one? A I have seen it at various times. Sugar George when he was town king--I used to help him make the roll.

Q Is Billy Carolina on the Dunn roll? A I don't remember.

Q The next roll was made in 1890, is he on that? A I think so.

Q Ever see it on that? A I think so. I made a roll for sugar George. They always made a roll before making a per capita payment.

They required the town king to make it and present the roll to the council for ratification and I assisted Sugar George in making one.

Q How many people were on the roll? A 700,800 or 900 may be. The North Fork roll among the colored towns was the smallest.

Q You think you saw Billy's name on that roll? A Yes, sir.

Q Was his name alone or with his family? A I don't remember. They were in families generally.

Q Was Billy with his family? A I don't remember.

Q Did they usually put them in groups? A They usually did.

Q Did you ever hear of a case in that town or your town where the family would be put one place and the head of the family away off by itself? A Some times by mistake it was done, very frequently.

Q You don't know whether Billy's name appears that way on the 1890 roll? A I don't know.

Q Did you ever see his family on that roll? A I don't remember

ATTY. FOR APPLICANT.

Q How was it you came to make --help make--the Town Fork roll?
A Sugar George requested me to help make the roll, I did it on several occasions.

COMMISSIONER.

Q Did you draw the \$29. payment in 1890? A Yes, sir.

Q Drew it yourself? A No, sir

Q Were you present when the payment was going on? A No, my brother was.

Q You weren't present? A No, I was sick at the time.

Q You don't know then whether Billy Carolina was present or not from your own knowledge? A No, sir

Q And still you made up the preparatory roll before that payment?
A Yes, sir

Q Don't you remember whether you put his name on? A Yes, sir that's my recollection.

Q But you don't remember whether you wrote it with other members of his family or not? A No, sir.

Q Did you ever hear whether Billy drew that \$29. payment? A I don't remember. I never heard anything about it. Never heard any question as to his drawing it or not drawing it.

BY ATTY. FOR APPLICANT.

Q Were you a member of the Creek council? A Yes, sir.

Q At what time? A I don't remember the year now, some time subsequent to the \$29. payment.

Q Were you ever a member of that Committee of Eighteen? A Yes, sir

Q What was the duty of that committee of Eighteen? A Purge the rolls and strike off all the names found not to be citizens.

Q Then you examined and prepared the doubtful rolls? A Yes, sir.

Q Did Billy Carolina's name appear on the doubtful roll? A Not that I remember.

Q Do you know whether he drew the \$14. payment? A No, I don't know.

Q Do you know whether any of the recognized citizens of the Creek Nation failed to draw that payment? A Yes, sir. some failed to draw it.

COMMISSIONER.

Q You didn't help Sugar George prepare the '95 roll before that payment was made? A I think I did.

Q Do you remember whether you put Billy Carolina's name on that.

A I think Billy's name was on that but I don't remember. If Billy Carolina was dropped, it was dropped after I prepared it because I knew Billy Carolina to be a citizen.

Q But do you remember whether you put his name on the '95 roll?

A I know that I prepared it from the roll that we had. The reason we prepared a new roll was because a good many had died. They made a new roll and struck off the names of the ones that had died. I copied from the previous roll and his name was on that.

Q Now Billy says he didn't draw that for himself but for his family.

A I don't remember of any question coming up about Billy Carolina.

Q He is not on the 1895 roll, how do you account for that? A There was a great many citizens wasn't on the 1895 roll who are recorded as citizens today. Some of them were put on the supplementary roll and some never did draw it.

Q They called those supplementary rolls Omitted rolls? A Yes, sir.

ATTY. FOR APPLICANT.

Q Do you know of any recognized citizens of the Creek Nation whose names did or did not appear on that roll of 1895? A Yes, sir?

A I know my boys name didn't appear on the 1895 roll.

Q Has he been recognized as a citizen of the Creek Nation? A Yes, sir

Q Has he an allotment? A Yes, sir. A great many people whose names should have appeared on the 95 roll didn't get their per capita payment, and so they didn't bother with it but dropped it. Some of them have been enrolled by the Dawes Commission.

COMMISSIONER.

Q Did you know Billy Carolina's family? A No I have known him for 20 years but didn't know his family.

Q Do you know that this man Billy Carolina is the same man you knew years ago and that you think you put on the roll for Sugar George? A Yes, sir.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before
me this 31 day of January 1906.

Armen Colkay
Notary Public.

1998
K-10-11

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 7, 1906.

In the matter of the application for the enrollment of
Billy Carolina as a Creek freedman.

No appearance by attorney for applicant.
Office of atty. for Creek Nation telephoned but no
appearance was made by said attorney.

BEN H. RICHARD, being duly sworn, testified as follows:

Q What is your name? A Ben H. Richard.
Q What is your age? A 45 next August.
Q What is your post office address? A Taft.
Q Do you know the applicant in this case Billy Carolina? A Yes, sir.
Q He is not here today is he? A Not as I know of.
Q We can't identify him as the person you know unless he is here.
Why did you come here? A I was notified to come here. I was notified
by a lawyer, in Okemah, Mr. O'Bannon to come here.
Q How long have you known Billy Carolina? A I was quite small.
I have known him better than thirty years I reckon.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you drawn money from the Creek Nation? A Yes, sir.
Q When was the first time you drew? A I drew way back there \$4.00
and then the next time \$29.00.
Q What year was that? A I think--I was light horseman in '90 and '91,
and the payment was made during that time.
Q When was the next time? A We drew \$14.40 I don't know when that was.
Q '95 wasn't it? A I guess it was.
Q Did you ever see Billy Carolina in the Creek Nation in '90 and '95?
A Yes, sir when this \$29. payment was going on Billy Carolina were
there. We was sitting in the room together; a man had sold him a
clock and the man was sitting there waiting for him to get money
for to pay. I don't know whether he drew for himself but he drew for
his wife and children I am sure.
Q Who did he draw for? A His family but I don't know how many in the
family. Some have died and I don't know how many there were then.
Q When was that, in the '90 payment? A Yes, sir.
Q And you don't know whether he drew for himself or not? A No, sir.
Q Do you know whether his name was on the '90 roll? A I think it
was, I had the payroll.
Q Were you assisting? A No, sir but the payroll was laying there
and we could look at it and I think his name was on it.
Q You aren't sure you saw it yourself? A No, sir I am not sure.
Q You couldn't state then whether his name appeared on the roll
by himself or with any one else? A I think it was by himself.
Q How can you tell that if you didn't see it? A I think I saw it
is the reason I am telling so.

Q Are you sure he drew money for the rest of his family? A Yes, sir. I am sure of that; perfectly sure of that.

Q How many did he draw for? A I can't say that.

Q Who was the first one he drew for? A For his wife Phillis; that's my sister.

Q He drew for her did he? A Yes, sir.

Q Were you present at the 1895 payment? A I was there but I don't remember him.

Q Did you see him there? A No, sir, I got there first and I didn't see him.

Q You don't know whether he is on the 1895 pay roll or not? A No, because I didn't see that but I did see the other.

Q What town pay roll do you think he was on? A I know it was the North Fork if it was any.

Q Do you know if his name was on any other town roll? A Not as I know of. I don't know.

Q How old a man is the Billy Carolina you know? A He is right around sixty, close to sixty; quite an old man.

Q Can you give the names of some of his children? A Yes, sir.

Q Name them? A Lizzie, Jennie, Bud))I think he has another name but they call him Bud---, Isaac and Jim.

Q Are they all by his wife Phillis? A Yes, sir.

Q Have you ever had any office in the Creek Nation except light horseman? A Yes, sir.

Q What? Superintendant of schools and a member of the house of warriors.

Q Were you a member of the council at the time the payments were made? A No, sir.

Q What town did you belong to? A North Fork.

Q You don't know for a fact that Billy Carolina's name was on the 1890 roll? A No, I couldn't say for a fact but it seems to me like I saw it.

Q Did Billy Carolina, the man you know, ever go by any other name? A Not since I knew him. I have always known him by Billy Carolina.

Q From your knowledge of the proceedings of matters of enrollment what explanation can you give of the fact that Billy Carolina is not now enrolled? A You mean why isn't he on the roll.

Q Yes? A I don't know.

Q Were his wife and children enrolled? A Yes, sir.

Q And got their land? A Yes, sir.

Q How do you know that this is the same Billy Carolina in this case? A I know it is him, he has been talking about it so many times that they put him off the roll and he told me why they put him off.

Q Why? A He told me that he was on the '90 roll and he said he was a witness in some lease cases and the party he was witnessing for got beat and for that reason he always thinks they put him off the roll.

Q You mean by putting him off the rolls that they took him off the '90 roll? A Yes, sir.

Q And you think by that he wasn't put on the '95 roll? A Yes, sir.

Q Do you know who took him off the roll? A No, sir, I don't.

Q Have you anything further to say in this matter? A No, sir.

Q How long has Billy Carolina lived with Phillis? A I couldn't tell I don't remember when they was married.

Q From the time you first knew him he has been living with your sister? A Yes, sir.

Q And she is enrolled and has received her land? A Yes, sir.

Q You ~~think~~ think he drew money for her in 1890? A I knew it. I seen it.

Q You don't know whether he was ever recognized by the proper authorities of the Creek Nation as a citizen? A I don't know anything about that. Ever since he drew the \$29.00 payment I thought he was a citizen, since that I learned he wasn't.

I, Anna Garrigue, on oath state the above and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

Anna Garrigue

Subscribed and sworn to before me
this 8 day of February 1908.

William C. Stagg
Notary Public.

AWC

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Billy Carolina as a Creek freedman.

DECISION.

The record in this case shows that on October 25, 1899, Billy Carolina appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a Creek freedman. That on May 17, 1901, the said Commission rendered a decision denying said application, and that on January 27, 1902, said decision was affirmed by the Department. That on September 10, 1905, said applicant filed a motion for rehearing and that on December 8, 1905 (I.T.D. 16386-1905), the Department rescinded its decision of January 27, 1902, affirming the decision of the Commission to the Five Civilized Tribes of May 17, 1901, denying said application, and ordered a rehearing thereon. That on January 29, 1906, a rehearing was had in the matter of said application and further proceedings therein were had on January 30, 1906 and February 7, 1906.

The evidence shows that the said Billy Carolina was over sixty years old at the date of the application herein, and that his name does not appear on the roll of Creek freedmen made by J. W. Dunn, prior to March 14, 1867.

The evidence further shows, however, that the name, Billy Carolina, appears upon the 1890 authenticated Creek tribal roll, in North Fork Town; page 164.

The preponderance of the evidence shows that the applicant is the identical person whose name, Billy Carolina, so appeared upon the authenticated Creek tribal roll of 1890, and there is no evidence tending to show that the said name was wrongfully or unlawfully placed thereon.

It is, therefore, ordered and adjudged that the said Billy Carolina, the applicant, is entitled to be enrolled as a Creek freedman in accordance with the Acts of Congress approved June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 661), and the application for his enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,

JAN 26 1907

{COPY}

Mustoge, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Billy Caroline for the enrollment of himself as a citizen of the Creek Nation, including the decision of the Commission, dated May 17, 1901, denying said application.

Respectfully,

I. B. Needley,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs,

1 enclosure.
Creek 34.

(5077)

Muskogee, Indian Territory, January 16, 1903.

Billy Carolina,

Bearden, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Neelce,

Commissioner in Charge.

1 enclosure,
B.S. 119,
Registered.

(COPY)

Muskogee, Indian Territory, January 15, 1908.

A. P. McAllister, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Billy Carolina as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. P. Needles,

Commissioner in Charge.

I enclose
 W. H. H. H.
 Enclosed.

(COPY)

Refer in reply to the following:

Land
3834-1902.

Department of the Interior,
Office of Indian Affairs.
Washington, January 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 15, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of the proceedings in the matter of the application of Billy Carolina for enrollment as a citizen of the Creek Nation.

The Commission reports that the name of the applicant does not appear on the roll made by J. W. Dunn prior to March 14, 1867, and it is not shown that he has been rightfully admitted to citizenship in the Creek Nation by the lawful authorities thereof. It therefore rejected the claim.

The office agrees with the conclusion of the Commission and respectfully recommends that same be approved.

Very respectfully,
Your obedient servant,
W.A. Jones,
Commissioner.

WAV
B

Inclosure.

(COPY)

D.C.No.1498-1902.
L.R.S.

6300.

F.

Department of the Interior.
Washington.

I.T.D.508-1902.

January 27, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 24, 1902 (Land 3834), the Commissioner of Indian Affairs transmitted the papers in the matter of the application of Billy Carolina for enrollment as a citizen of the Creek Nation, and recommended that your conclusion in the case be approved.

On May 17, 1901, you denied said application for the reason that the applicant's name does not appear on the J.V.Dunn roll, and for the further reason that the applicant has never been rightfully admitted to citizenship by the lawful authorities of the Creek Nation.

Your action is approved, and you will so inform the applicant. A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan
Acting Secretary.
RD.

1 inclosure.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLER,
C. R. BRIDGEMAN.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4, 1902.

Billy Carolina,

Bearden, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 27, 1902, affirmed the decision of the Commission, dated May 17, 1901, denying the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

Yours truly,

Tamm Bixby

Acting Chairman.

COMMISSIONERS
HENRY L. DAVES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BACHMANN, JR.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4, 1902.

A. P. McKelley, Esq.,

E. S. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of January 27, 1902, affirmed the decision of the Commission, dated May 17, 1901, denying the application made by Billy Samoline for the enrollment of himself as a citizen of the Creek Nation.

Yours truly,

Tamm Bixby

Acting Chairman.

Creek Enrollment
Case No. 34.

Muskogee, Indian Territory, November 24, 1902.

Billy Carolina,

Bearden, Indian Territory.

Dear Sir:

Your letter addressed to the Honorable Secretary of the Interior, not dated, asking to be heard in the matter of your application for enrollment, as a citizen of the Creek Nation, has been referred by him to the Commission for consideration and appropriate action.

Replying thereto, you are advised that the records of this office show that on October 20, 1899, you made application for enrollment as a citizen of the Creek Nation; that on May 17, 1901, the Commission rendered an opinion denying said application, and that thereafter, under date of January 27, 1902, the action of the Commission therein was affirmed by the Secretary of the Interior.

You are further advised that on February 4, 1902, you were duly notified by letter of the action of the Secretary of the Interior in affirming the decision of the Commission, denying your application for enrollment as a citizen of the Creek Nation, and that in view of these facts, the Commission can take

2. Billy Caroline.

no further action therein, at this time.

If you have any testimony to offer that was not presented in your case, and which would tend to establish your right to enrollment as a citizen of the Creek Nation, yourself or your attorney might file with this Commission a motion for a rehearing, addressed to the Secretary of the Interior, setting up the evidence you desire to present.

Such a motion should be accompanied by the affidavit of witnesses, as to the facts which they would testify to, should a rehearing be granted.

Respectfully,

Commissioner in Charge
Bureau of Indian Affairs

2813
Ex. 34.

Muskogee, Indian Territory, June 29, 1904.

Hadleston & Mooney,

Okemah, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of June 24, in which you inquire if Billy Carolina has been enrolled by the Commission as a Creek Freedman.

In reply you are advised that the records of this office show on October 29, 1899, Billy Carolina made application for enrollment as a Creek Freedman; that the Commission denied the application on May 17, 1901; and that the decision of the Commission was affirmed by the Secretary of the Interior, January 27, 1902. February 4, 1902 Billy Carolina was duly notified by letter of the action of the Secretary of the Interior and in response to a letter from him he was again notified of the action taken, November 24, 1902.

Respectfully,

Commissioner in Charge.

Ba 34

Muskogee, Indian Territory, July 24, 1906.

Mr. L. O'Bannon,

Okemah, Indian Territory.

Dear Sir:

Receipt is acknowledged of your communication of July 16, 1906, by reference from the United States Indian Agent, in which you inquire concerning the right to citizenship in the Creek Nation of Billy Carolina.

In reply you are advised that the records of this office show that on October 29, 1899, said Billy Carolina made application to the Commission to the Five Civilized Tribes for enrollment as a citizen of the Creek Nation; that on May 17, 1901, said Commission rendered a decision denying his application, and that thereafter, under date of January 27, 1902, the action of said Commission therein was affirmed by the Secretary of the Interior; that on February 4, 1902, said Billy Carolina was duly notified by letter of the action of the Secretary of the Interior affirming the decision of the Commission to the Five Civilized Tribes denying his application for enrollment as a citizen of the Creek Nation.

S. L. O'B., 2.

If the applicant has any further testimony to offer that was not presented at the hearing of his case and which would tend to establish his right to enrollment as a citizen of the Creek Nation, he or his attorney may file with this office a motion for rehearing, addressed to the Secretary of the Interior, setting up the evidence he desires to present. Said motion should set forth in full the nature of the evidence to be offered, and should be accompanied by the affidavits of the witnesses whom he desires to introduce, setting forth the facts to which they will testify, their means of obtaining knowledge of said facts, and should state the reasons why such evidence was not produced at the former hearing. Said motion and affidavits should also show service on the attorney for the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 28, 1905.

Frank L. Warren,

Attorney for Billy Carolina,

Holdenville, Indian Territory.

Dear Sir:

Receipt is acknowledged of your communication of July 25, 1905, relating to the application for the enrollment of Billy Carolina as a citizen of the Creek Nation. You inquire if reconsideration of his case cannot be had.

In reply you are advised that the records of this office show that October 29, 1899, Billy Carolina made application to the Commission to the Five Civilized Tribes for enrollment as a citizen of the Creek Nation; that on May 17, 1901, said Commission rendered a decision denying his application, and that thereafter, under date of January 27, 1902, the action of said Commission therein was affirmed by the Secretary of the Interior; that on February 4, 1902, said Billy Carolina was duly notified by letter of the action of the Secretary of the Interior, affirming the decision of the Commission to the Five Civilized Tribes, denying his application for enrollment as a citizen of the Creek Nation.

P. L. H. S.

If the applicant has any further testimony to offer that was not presented at the hearing of his case and which would tend to establish his right to enrollment as a citizen of the Creek Nation, he or his attorney may file with this office a motion for rehearing, addressed to the Secretary of the Interior, setting up the evidence he desires to present. Said motion should set forth in full the nature of the evidence to be offered, and should be accompanied by the affidavits of the witnesses whom he desires to introduce, setting forth the facts to which they will testify, their means of obtaining knowledge of said facts, and should state the reasons why such evidence was not produced at the former hearing. Said motion and affidavits should also show service on the attorney for the Creek Nation,

Respectfully,

Commissioner.

Ent 34 ✓
In the matter of the
application for citizenship
in the Creek Nation of Billy Carolina.

To the Honorable Secretary of the Interior,
Washington, D.C.

Comes now the aforesaid applicant, Billy Carolina, and respectfully asks that a rehearing be had in his case in order that he may present further evidence to establish his right to citizenship in said Nation.

In support of this said motion he herewith files the affidavits of John R. Goat, Berry Bruner and Frank Jacobs, said affidavits setting forth his right to citizenship in said Nation.

He states in connection herewith that the reason he did not present this evidence at the former hearing was that he anticipated no great difficulty in securing said citizenship as he had as a witness there the former owner, Sally McElish, now deceased, but that her evidence was disregarded because of her great age and enfeebled state. He further states that he is a poor old colored man and could not know of his own knowledge what evidence was necessary to establish his case.

(signed) Billy Carolina

Per Frank L. Warren
of Holdenville, I T

I, M.L. Mott, attorney for the Creek Nation hereby acknowledge service of the above motion, this Sept. 8th 1905

(signed) M.L. Mott, Creek attorney

I hereby certify that I have this day served a true copy of the above on Mott, attorney for the Creek Nation. This the day of 1905

(202)

UNITED STATES OF AMERICA,

Indian Territory.

Western District.

Frank Jacobs being first duly sworn on his oath deposes and says: My name is Frank Jacobs, I am 65 years of age and my post office address is Holdenville, Indian Territory; I am a citizen of the Creek Nation and on the Indian roll thereof; I am acquainted with Billy Carolina, of Bearden, I.T. an applicant for enrollment as a citizen of the Creek Nation and have been well acquainted with him since prior to the civil war; he was a slave and was owned by Sally McElish, a citizen of the Creek Nation by blood, and was freed by the treaty that freed all the slaves in the Creek Nation; I have been well and personally and intimately acquainted with him during the whole of the time since the war and he has never been absent from the Indian Territory unless it might have been for a short visit; I know all these facts from my own knowledge and that he is as much entitled to citizenship as any freedman in the Creek Nation; his brothers and sisters and children are all on the roll and have been designated allotments in the Creek Nation. I have no interest in his securing this allotment but make this affidavit that justice may be done him.

(signed) Frank Jacobs

Subscribed and sworn to before me this 4th day of September 1905

Frank L. Warren

Notary Public

My Com exp. Nov 12, 1907

Paul

UNITED STATES OF AMERICA,
Indian Territory.
Western District.

John R. Goat being first duly sworn on his oath deposes and says: My name is John R. Goat; I am a citizen of the Creek Nation and on the Indian roll thereof; I am 61 years of age and reside 2 1-2 miles from Holdenville, Indian Territory; I am acquainted with Billy Carolina, of Bearden, I.T. an applicant for enrollment as a citizen of the Creek Nation and have been well acquainted since prior to the civil war; he was a slave and was owned by Sally McElish, a citizen of the Creek Nation by blood, and was freed by the treaty that freed all the slaves in the Creek Nation; I have been well and personally and intimately acquainted with him during the whole of the time since the war and he has never been absent from the Indian Territory unless it might have been for a short visit; I know all these facts from my own knowledge and that he is as much entitled to citizenship as any freedman in the Creek Nation; his brothers and sisters and children are all on the roll and have been designated allotments in the Creek Nation. I am no relation to Billy Carolina and have no interest in the case.

(signed) John R. Goat

Subscribed and sworn to before me this 4th day of September 1906

Frank L. Warren

Notary Public

My commission expires Nov 12, 1907

Goat

UNITED STATES OF AMERICA,

Indian Territory.

Western District.

Berry Bruner being first duly sworn on his oath deposes and says: My name is Berry Bruner; I am a citizen of the Creek Nation and on the Indian roll thereof; I am 58 years of age and reside 2 mile from Holdenville, Indian Territory; I am acquainted with Billy Carolina, of Bearden, I.T. an applicant for enrollment as a citizen of the Creek Nation and have been well acquainted since prior to the civil war; he was a slave and was owned by Sally McLish, a citizen of the Creek Nation by blood, and was freed by the treaty that freed all the slaves in the Creek Nation; I have been well and personally and intimately acquainted with him during the whole of the time since the war and he has never been absent from the Indian Territory unless it might have been for a short visit; I know all these facts from my own knowledge and that he is as much entitled to citizenship as any freedman in the Creek Nation; his brothers and sisters and children are all on the roll and have been designated allotments in the Creek Nation. I am no relation to Billy Carolina and have no interest in the case.

his
Berry Bruner
mark

Witness J.B. Bexley

Subscribed and sworn to before me this 4th day of September 1906

Frank L. Warren

Notary Public

My commission expires Nov 12, 1907

202

INDEXED

COMMISSIONER TO FIVE TRIBES.		
No.	Received	ANSWERED
42625	SEP 11 1905	Book Page
1905		

Warren, F.T.,
Holdenville, I.T.,
Creek Nation,
Sep. 9, 1905.

Transmits motion for
rehearing in re
application for
enrollment of Billy Carolina
as a citizen of Creek
Nation.

CREEK ENROLLMENT.

Frank H. Warren
ATTORNEY AND COUNSELOR AT LAW
Holdenville, Ind. Ter.

September 9th 1905.

Commissioner to Five Civilized Tribes,
Muskogee, Ind. Ter.

Dear Sir:

In accordance with information and instructions contained in your letter to me under date of July 28th, I herewith enclose motion for rehearing in the matter of the application for citizenship of Billy Carolina. All the requirements stated in your letter have been complied with and I trust the matter may have early hearing.

Yours truly,

F. H. Warren

34
149
MS. 234

Muskogee, Indian Territory, November 2, 1905.

Frank L. Warren,

Holdenville, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of October 28, 1905, in which you ask what action, if any, has been taken on the motion filed by you for rehearing in the matter of the application for the enrollment of Billy Carolina, as a citizen of the Creek Nation.

In reply you are advised that said motion is still pending and that when final action is had in same, you will be duly notified.

Respectfully,

Commissioner.

✓
Or En 34.

Muskogee, Indian Territory, November 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

September 10, 1905, Frank L. Warren, attorney for Billy Carolina, delivered to this Office, for transmission to the Department, a motion for rehearing in the matter of the application for the enrollment of said Billy Carolina as a citizen of the Creek Nation. Said motion was accompanied by the affidavits of Frank Jacobs, John R. Goat and Harry Bruner.

The facts set forth in said motion and affidavits are not sufficient to entitle the applicant to enrollment as a citizen of the Creek Nation.

It appears from the records of this Office that on October 25, 1899, said Billy Carolina made application to the Commission to the Five Civilized Tribes for enrollment as a citizen of the Creek Nation; that on May 17, 1901, said Commission rendered a decision denying said application, and that on January 27, 1902 (I.T.D. 608-1902), said decision was affirmed by the Department.

The Commission to the Five Civilized Tribes, in its decision in the case, found that--

"The evidence offered in support of the application of said Billy Carolina fails to show that his name can be

Secretary 2.

found upon the roll of Creek freedmen made by J. B. Dunn or that he has been rightfully admitted to citizenship in the Creek Nation by the lawful authorities of said Nation."

It does not appear from the record in the case that the applicant was identified on any of the tribal rolls of the Creek Nation. An examination of the 1890 authenticated Creek tribal roll shows that the name Billy Carolina appears thereon, in North Fork Town, page 166.

No person answering to said name is enrolled, or otherwise accounted for, on the records of this Office.

In view of the facts in the case, I have the honor to respectfully recommend that a rehearing be ordered and that the applicant be given an opportunity to show whether or not he is the same Billy Carolina whose name appears on the 1890 roll.

The motion and affidavit are herewith enclosed for Departmental consideration.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

AD-9-16-1

34
Refer in reply to the following:

6300-1902
92809-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 28, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commissioner to the Five Civilized Tribes of the 17th instant saying on September 16, 1905, Frank L. Warren, attorney for Billy Carolina, delivered to his office for transmission to the Department a motion for rehearing in the matter of the application for enrollment of Billy Carolina as a citizen of the Creek Nation. The motion was accompanied by the affidavit of Frank Jacobs, John R. Goat, and Berry Bruner.

The allegation set forth in the motion and affidavits were not deemed by the Commissioner to be sufficient to entitle the applicant to enrollment as a citizen of the Creek Nation.

Mr. Bixby says it appears from the records of his office that on October 25, 1899, Billy Carolina made application to the Commission to the Five Civilized Tribes for enrollment as a citizen of the Creek Nation; that on May 17, 1901, the Commission rendered a decision denying the application, and that on January 27, 1902 (I.T.D. 368-1902), the decision was affirmed by the Department.

He further says the Commission to the Five Civilized Tribes in its decision in the case found that—

The evidence offered in support of the application of said Billy Carolina fails to show that his name can be found upon the roll of Creek freedmen made by J.W.Dunn or that he has been rightfully admitted to citizenship in the Creek Nation by the lawful authorities of said nation.

He further says it does not appear from the record in the case that the applicant was identified on any of the tribal rolls of the Creek Nation. An examination of the 1890 authenticated Creek tribal roll shows that the name of Billy Carolina appears thereon, in North Fork Town, page 164, and that no person answering to the name is enrolled, or otherwise accounted for, on the records of his office.

In view of these facts, he recommends that a rehearing be ordered and that the applicant be given an opportunity to show whether or not he is the same Billy Carolina whose name appears on the 1890 roll.

The motion and affidavits, together with the original record in the case, are enclosed for Departmental consideration.

Very respectfully,

EBH-WDW

C.F.Larrabee
Acting Commissioner.

J.P.

I.T.D.508-1901
16386-1905
LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON. December 8, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 27, 1902, the Department affirmed the decision of the Commission to the Five Civilized Tribes rejecting the application for the enrollment of Billy Carolina, as a citizen of the Creek Nation.

November 17, 1905, you submitted a motion to reopen the case and recommended, as an examination of the 1890 authenticated roll of said nation shows the name of Billy Carolina on page 164, North Fork Town, that a rehearing be ordered.

In view of this information, and of the statements contained in the petition and the affidavits accompanying it, the decision of January 27, 1902, is hereby rescinded and a rehearing is directed.

A copy of Indian Office letter of November 28, 1905, submitting your report, and the other papers received with such letter, except your report, are inclosed.

Respectfully,

Thos Ryan
First Assistant Secretary

Through the
Commissioner of Indian Affairs
3 inclosures.

En. 34

Muskogee, Indian Territory, December 18, 1905.

Billy Carolina,

Holdenville, Indian Territory.

Dear Sir:

You are hereby notified that under date of December 8, 1905, the Department rescinded its action of December 27, 1902, affirming the decision of the Commission to the Five Civilized Tribes denying the application for your enrollment as a Creek freedman and directed that a rehearing be had in said case.

You are hereby notified that said case is set for rehearing, January 15, 1906, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

✓
En. 34

Muskogee, Indian Territory, December 18, 1905.

Frank L. Warren,

Attorney for Billy Carolina,

Holdenville, Indian Territory.

Dear Sir:

You are hereby notified that under date of December 8, 1905, the Department rescinded its action of December 27, 1902, affirming the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Billy Carolina, as a Creek freedman and directed that a rehearing be had in said case.

You are hereby notified that said case is set for rehearing, January 15, 1906, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Bu.34

Muskogee, Indian Territory, December 18, 1908.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of December 8, 1908, the Department rescinded its action of December 27, 1902, affirming the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Billy Carolina, as a Creek freedman and directed that a rehearing be had in said case.

You are hereby notified that said case is set for rehearing, January 13, 1909, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

✓ 4998
En. 84

Muskogee, Indian Territory, December 20, 1906.

Billy Carolina,

Bearden, Indian Territory.

Dear Sir:

This office is in receipt of a motion for rehearing in the matter of the application for your enrollment as a Creek freedman. Said motion is without date but appears to have been mailed December 16, 1906. The motion is herewith returned to you and you are again advised that on December 3, 1906, the Secretary of the Interior reopened the matter of the application for your enrollment as a Creek freedman and that said case has been set for rehearing January 15, 1907, at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory.

Respectfully,

AS-2

Commissioner.

Ex. Op. 998.

I dissent from the decision as herein prepared. I am of the opinion that this and like applicants ~~must show~~ in order to entitle them to enrollment as Creek freedmen must show one of two things, namely, That their name appears upon the Dism Roll or that they have been formally admitted to citizenship in the Creek Nation since the making of said roll, as, I think is required by Sec. 3 of the late Curtis Act.

This case is practically on all fours with the ~~Boissac~~ Cassuthers case which was the subject of the last atty Gen opinion rendered May 31, 1906

a copy of the same being
hereto attached.

1/8/07.

Wm

The date "January 27, 1906"
recited in decision should be
January 29, 1906.

Wm

I.T.D. 5286-1906.

COPY JRW. WCP. SVP.

DEPARTMENT OF THE INTERIOR,

OFFICE OF ASSISTANT ATTORNEY GENERAL.

WASHINGTON, May 31, 1906.

The Secretary of the Interior.

Sir:

I received by reference of April 23, 1906, for my opinion thereon, motions for review and for rehearing of departmental decision of November 14, 1905, denying the application of Prissie Carruthers for enrollment as a freedman citizen of the Creek Nation.

The evidence taken tended to show and was to the effect that Prissie Carruthers was born in the Creek Nation about 1859 or 1860 of Minerva McIntosh, mulatto, slave of William McIntosh, a Creek citizen, and that Prissie's father was Louis McIntosh, son of William, and also a Creek citizen; that Minerva was sold during the war to a Mrs. Hawkins, in Texas, and died during the war; Louis McIntosh died about the close of the war. About and for considerable time after the war, she was living in the family of relatives named Hawkins, in the nation, and the name of Presy Hawkins appears on the Dunn Roll in that family; that she has always since lived in the Territory and for the most part in the Creek Nation. No protest or objection to her enrollment appears to have been made by the Creek Nation, and her case was supported by the testimony of John Francis, a member of one or the other House of the Creek Legislative Council, ever

since 1867, who also made an affidavit in support of her motion for rehearing, wherein he says that he has known her continuously since prior to 1861, when he was living on the farm adjoining that of Louis McIntosh, and that he knows of his own knowledge that she is entitled to be enrolled as a Creek Freedman, and he has always believed that she was on the Creek Roll and had participated in the several payments made to the Creeks. The evidence also indicated that she participated in tribal payments. October 12, 1905, the Commission held that:

It appearing that the applicant claims both Indian and Negro blood this case is treated as an application for enrollment as a citizen by blood of the Creek Nation, and also as a Creek Freedman.

The evidence shows that the applicant herein is not a full blood Creek Indian; that she was born prior to March 14, 1867, and that her name does not appear on the Roll of Creek Freedmen made by J.W. Gunn prior to said date.

The evidence further shows that the applicant herein has never been enrolled as a citizen of the Creek Nation, nor has she ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Prissie Carruthers as a citizen of the Creek Nation, and the application for her enrollment as such is accordingly denied.

The Commission did not pass upon the evidence offered, or find the facts, but, for all purposes of this opinion, I assume for basis of the opinion that applicant is a Creek freedman and is entitled to all rights accorded to Creek freedmen under article 2 of the treaty of June 14, 1866 (14 Stat., 789).

The Act of April 26, 1906 (120 Public), section 3, provides:

That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J.W.Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior.

I deem this provision final and conclusive of the case. Upon the assumption of facts made, applicant's right would be clear and undoubted had she applied in due time, for which ample opportunity was given her under the act of June¹⁰, 1896, and supplemental legislation thereafter. Congress has now made the Dunn roll final and conclusive as to all claimants of this class whose enrollment has not been approved by the Secretary of the Interior. If, however, the applicant appears upon that roll, and desires opportunity to identify herself and borne on that roll by the name of Presy Hawkins, or other name, or applied to show that she was lawfully admitted by the Creek authorities subsequent thereto, she is entitled to be heard for that purpose, otherwise she is barred by her failure to assert her right in proper time.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: May 31, 1906.

E.A.Hitchcock, Secretary.

Dr. J. H. H. H.

Muskogee, Indian Territory, August 22, 1906.

E. Hastain,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

June 25, 1906, there was filed with this office a motion to reopen in the matter of the application for the enrollment of Billy Carolina as a citizen of the Creek Nation, in which you appear as attorney for applicant.

You are advised that under date of December 8, 1905, the Department acting upon a motion for rehearing in said cause filed by Frank L. Warren, attorney of record for applicant, reversed its action of December 27, 1905, affirming the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Billy Carolina as a Creek freedman, and directed that a rehearing be had in said cause; that further proceedings were had on January 29, 30 and February 7, 1906 and that said case is still pending in this office.

Respectfully,

Commissioner.

Muskogee, Indian Territory, Jan 30, 1907.

Commissioner to the Five
Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Creek Nation hereby waives protest in this case, reserving to itself, however, the right to attack the enrollment of this person if after investigation it is found that said enrollment was obtained upon fraudulent evidence.

Respectfully,

Wm L. Smith

Creek National Attorney,
WLS

En 998
Creek 7. 1900.

Muskogee, Indian Territory, March 4, 1907.

Billy Carolina,

Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that on February 27, 1907, the Secretary of the Interior approved the enrollment of yourself as a Creek Freedman, opposite Creek Freedman roll number 5675.

You are now entitled to allotment, and application should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 999

CR EN 999

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Senora, I. T., October 11, 1905.

In the matter of the application for the enrollment of Roy Thompson, deceased, as a citizen by blood of the Creek Nation.

Thomas Thompson, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Thomas Thompson.
Q How old are you? A About twenty-nine.
Q What is your post office address? A Senora.
Q To what town in the Creek Nation do you belong? A Arbeka North Fork.
Q Did you have a child named Roy Thompson? A Yes, sir.
Q When did the child die? A I have forgotten the date of his death.
Q Did you ever execute an affidavit about the death of the child? A Yes, sir.
Q There is on file with the Commissioner an affidavit, executed August 17, 1904, by you and Daniel Starr, stating that Roy Thompson died November 15, 1899. Do you remember executing such affidavit?
A Yes, sir.
Q Is the date as given in that affidavit correct? A Yes, sir. Roy was my first child.
Q What is the name of the mother of Roy? A Rose Thompson.
Q When were you and Rose married? A In 1897 or '98.
Q Have you a marriage certificate? A No, sir, we were married according to Indian law.
Q Did you have a record of Roy's death at the time you executed the affidavit? A No, sir.
Q When was he born? A I do not know.
Q How old was the child at the time of its death? A Something like a year old.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Was your child, Roy, living at that time? A Roy was a small child at that time. The child was living in 1898. I think my wife and I were married sometime in 1897. The land office had been open quite a while before. I appeared before the commission and had my family enrolled and given allotments of land. I made no application for the child at that time, not knowing whether it was entitled or not.
Q Your wife and Meleya executed an affidavit, August 30, 1904, stating that Roy was born September 9, 1898. Is the date of the birth correct? A I do not know whether the date is correct or not, but I suppose it is. It has been so long ago I have forgotten just when the child was born.

DANIEL STARR, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Daniel Starr.
Q How old are you? A I am over forty.
Q What is your post office address? A Senora.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbeka Fullaaga.
Q Do you know Thomas and Rose Thompson? A Yes, sir.

D.A. 141---2.

- Q Did you know a child of theirs named Roy Thompson? A Yes, sir.
Q Do you know when the child died? A I have forgotten the date of the child's death.
Q Did you ever execute an affidavit as to when the child died? A Yes, sir.
Q Did you know, at the time you executed the affidavit, when the child died? A Yes, sir.
Q Why is it that you do not remember the date now? No answer.
Q According to the affidavit executed by you and Thomas Thompson, August 17, 1904, the child died November 15, 1899. Is that correct? A Yes, sir.
Q How old was the child when it died? A About a year old.
Q Was the child living when the Creek Land Office opened? A Yes, sir.
Q Are you a neighbor of the parents of the child? A Yes, sir. At the time the child was born we were near neighbors. The child was buried at my house.
Q You are positive are you that the child was living when the Creek Land Office opened? A Yes, sir.

THOMAS THOMPSON recalled.

BY THE COMMISSIONER:

- Q Is your wife, Rose Thompson, now living? A No, sir, she is dead.
Q When did she die? A February 25, 1905.
Q Is Meleya, the mid-wife in attendance at the birth of Roy, living? A Yes, sir.
Q Where does she live? A On Wolf Creek.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this _____ day of _____ 1906.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Senora, Indian Territory, December 12, 1905.

In the matter of the application for the enrollment of
Roy Thompson, deceased, as a citizen by blood of the Creek Nation.

Meleya being duly sworn testified as follows through
Alex Posey official interpreter.

By Commissioner.

- Q What is your name? A Meleya
Q What is your age? A About thirty five.
Q What is your post office address? A Senora.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what Creek Indian town do you belong? A Arbeka Tulledega.
Q Do you know Thomas and Rose Thompson? A Yes, Rose is dead.
Q Do you know a child of theirs named Roy? A No, sir I never saw
the child, only heard they had such a child.
Q Do you know when Roy was born? A No, sir.
Q Did you attend on Rose Thompson as midwife at the time her child
was born? A No, sir.
Q Did you ever execute an affidavit as to the birth of the child?
A I executed an affidavit with Rose Thompson at Henryetta about
another child of hers which was a girl.
Q There are two affidavits on file in the office of the Commissioner
executed by you and Rose Thompson August 30, 1904 stating that
Rose Thompson was born September 9, 1898? A If I made an affidavit
about Roy it is a mistake. I went with Rose Thompson to Henryetta
to make out an affidavit but I thought it was about a girl she lost.
Q As I understand it you thought when you executed the affidavit
about Roy you were making an affidavit about another child of
Rose which was a girl? A Yes, sir. Because I attended on her when
the girl was born. She didn't explain to me that the affidavit
was about the boy.
Q What was the girl's name about whom you thought you were making
an affidavit? A She was unnamed.
Q Was Roy the boy, Rose Thompson's first child? A Roy was the
first child by Thomas Thompson. Her first child was by John Taylor
her first husband, the child was a girl named Nettie. Her second
child by Thomas Thompson was also a boy but he died unnamed
while a baby, then she had twins by Thompson, both boys, only
one of them is now living and his name is Russell, the other died
unnamed. Her last child was a girl which died unnamed and I thought
it was about this last child I made the affidavit.
Q Do you remember the circumstance of the opening of the Creek
Land Office? A Yes, sir.
Q Was Roy, Rose's first child by Thompson born before or after
the opening of the Creek Land Office? A Before and died before
Q Are you positive of that? A Yes, sir.

I, Alex Posey state on oath that the above is a true and correct
transcript of my notes as taken in said cause on said date.

SUBSCRIBED and sworn to before me this 22 day of December 1905

Alex Posey
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Seneca, I. T., March 19, 1906.

In the matter of the application for the enrollment of Roy Thompson, deceased, as a citizen by blood of the Creek nation.

WILLIAM NERO, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

- Q What is your name? A William Nero.
Q How old are you? A Twenty-three.
Q What is your post office address? A Seneca.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Talladega.
Q Do you know Thomas Thompson? A Yes, sir.
Q Do you know his wife, Rose Thompson? A Yes, sir, she was my half sister.
Q She is dead is she? A Yes, sir, she died in the winter of 1905.
Q Did Thomas and Rose Thompson have a child named Roy? A Yes, sir.
Q Do you know when that child was born? A I don't know.
Q Was it their first child? A Yes, sir.
Q Do you know when the child died? A No, sir, I only know it died in the winter time but don't know in what year.
Q How long has it been since the child died? A I cannot say, probably about ten years ago.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Was the child living at that time? A No, sir.
Q Are you positive it was not living at that time? A Yes, sir. The child was not living when people first began filing.
Q How old was the child at the time it died? A I do not know but it was crawling. It was born while its father was attending school at the Creek orphan asylum, at Okmulgee, and before he began living with Rose. When he left school myself and other relatives of Rose caused him to marry her and they lived together until Rose died.
Q Were you present when the child was buried? A Yes, sir.
Q Who was chief of the Creek Nation when the child died? A I think the child was born and died during the second administration of LeCus Perryman.
Q Had the Tribal Courts been abolished? A No, sir, and Amos McIntosh was Judge of this district.

THOMAS THOMPSON, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Thomas Thompson.
Q How old are you? A Twenty-eight or twenty-nine.
Q What is your post office address? A Seneca.
Q Have you succeeded in fixing the exact date of the birth and death of your child Roy? A No, sir.
Q You have heretofore testified in this case have you not? A Yes, sir.
Q Was Roy your first child by your wife, Rose? A Yes, sir. I had five children by Rose and Roy was the first. The second child died unnamed and was a boy. The third issue were twins, one of whom is now living, and is named Russell. Russell was born January 2, 1901. The last child was a girl, born January 19, 1903, and died January 6, 1904.

Q When were you married to Rose? A Sometime in the winter of 1897, I think, --after Roy was born.

Q How long after Roy was born? A Shortly after.

Q How long did Roy live after you married Rose? A I don't know.

Q Did Roy die before the birth of your second child? A Yes, sir.

Q Do you know when your second child was born? A No, sir.

Q Do you know who was chief of the Creek Nation when Roy died? A I think the child died during the latter part of Ispahcheer's administration.

Q William Hero has testified that your child, Roy, was born and died during the second administration of Leetus Perryman? A I am sure he is mistaken. It was during Ispahcheer's administration.

Q Did you ever attend school at the Creek Orphan Asylum? A Yes, sir, I was a student there about four years.

Q When did you leave school? A Sometime in 1897.

Q Was your child Roy born while you were at school? A No, sir, afterward.

Q How long after you left school? A Less than a year.

Q How old was he when he died? A About a year old.

Q Do you remember the year in which he died? A Sometime in 1899.

Q What time in 1899? A In the fall of 1899.

Q Do you remember when the Creek Land Office opened? A Yes, sir.

Q Was Roy living at that time? A Yes, sir.

Q When did you go before the Commission to file upon your allotment? A Sometime in 1900. People had been filing for sometime before I filed. I was asked if I had any children when I filed and I told the Commission I had none living. I did not then know that an allotment could be made to a dead child and did not make application for mine.

Q William Hero has testified that Roy has been dead about ten years and Meleah has sworn that the child died before the opening of the Creek Land Office. What have you to say to that? A I am unable to give any exact dates but I know the child has not been dead ten years and that it was living when people first began filing upon their allotments. The child has been dead only about seven years. My wife's sister, Leah Bright, who lives at Melett, would probably know when the child died.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 29 day of March, 1906.

Notary public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
NEAR MELLETTT, INDIAN TERRITORY,
NOVEMBER 29, 1906.

In the matter of the application for the enrollment of
Roy Thompson, deceased, as a citizen by blood of the Creek Nation.

LEAH BRIGHT, being first duly sworn, ~~six~~ by and examined
through Alex Posey, a Notary Public, and Official Interpreter, tes-
tified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Leah Bright.
Q How old are you? A About 29.
Q What is your postoffice address? A Mellette.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek town do you belong? A Tulledega.
Q Were you acquainted with Rose Thompson? A Yes sir.
Q Was she a relative of yours? A Yes sir, she was my sister.
Q Do you know Thomas Thompson? A Yes sir.
Q Your sister, Rose, was his wife, was she not? A Yes sir.
Q Did you know a child of theirs named Roy Thompson? A Yes sir.
Q Was Roy ~~the~~ first child? A Yes sir, but the parents were
not living together as husband and wife at the time the child
was born, but they afterwards married.
Q Do you know when Roy was born? A The child was born about
a week before Christmas, in the year of the small pox epidemic
in the western part of the Creek Nation.
Q Are you sure of that? A Yes sir.
Q How long did the child live? A Only two or three weeks.
Q Did it die in the same month in which it was born? A No, it
died a few days after New Year.
Q Was the child born in December 1898 and died in January, 1899?
A Yes sir.
Q Are you positive of that? A Yes sir.
Q Were you present at either the birth or the death of the child?
A I was present when the child was born and was present when it
died.
Q We have affidavits executed by the father and mother and mid-
wife, Melah, stating that the child was born September 9, 1898
and died November 15, 1899? A Those dates are not correct.
The child was born in December and died in January as I have
stated.

James B. Myers, being first duly sworn, states, that as
stenographer to the Commissioner to the Five Civilized Tribes, he
recorded the testimony in the foregoing proceedings, and that the
above is a true, and correct transcript of his stenographic notes
thereof.

Subscribed and sworn to before me,
this 10 day of Dec, 1906.

JBM


Notary Public.

Cr. No. 299.

SAN
CN

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Roy Thompson, deceased, as a citizen by blood of the Creek
Nation.

DECISION.

The record in this case shows that on August 20, 1904, application was made, in affidavit form, for the enrollment of Roy Thompson, deceased, as a citizen by blood of the Creek Nation. Supplemental affidavits were filed September 1, 1904. Further proceedings were had on October 11, December 18, 1905, and March 19, and November 29, 1906.

The evidence and the records in the possession of this office show that said deceased applicant was the minor child of Thomas Thompson and Rose Thompson, whose names appear upon a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite Nos. 5677 and 5678, respectively.

The testimony is conflicting as to the date of the birth and as to the date of the death of said applicant, but a preponderance of the evidence shows that said child died prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Roy Thompson, deceased, as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly denied.

COMMISSIONER

Muskogee, Indian Territory,

FEB 23 1907

Mr. Clapp

Don't see how
we can find for
applicant herein.

The failure of memory
from the trial of the
making of these
affidavits and the
giving of the first
testimony a period
of one year is something
unusual.

Concur in
decision as written
M. C.

I do not agree
in all particulars
N. T. S.

4/14/11

My

C. v. M. 944

~~Concurred in~~
I believe a preponderance of
the evidence shows that
child was born in Sep
1898 & died in Nov 1899.
Do not concur with Dec
L. H. S.

Have been testifying
about the second
child - which died
unnamed while still
a baby.

AMS

FEE 23

I cannot concur
in decision, though
the testimony is
fairly unimpeachable.
The All witnesses save
the last seem to agree that
the child lived at least
several months. The last
witness may by mistake

Denied

Cr. En.
999.

SAM
JWH

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Rey Thompson, deceased, as a citizen by blood of the Creek
Nation.

DECISION.

The record in this case shows that on August 20, 1904, application was made, in affidavit form, for the enrollment of Rey Thompson, deceased, as a citizen by blood of the Creek Nation. Supplemental affidavits were filed September 1, 1904. Further proceedings were had on October 11, December 12, 1905, and March 19, and November 29, 1906.

The evidence and the records in the possession of this office show that said deceased applicant was the minor child of Thomas Thompson and Rose Thompson, whose names appear upon a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite numbers 5677 and 5678, respectively.

The testimony is conflicting as to the date of the birth and as to the date of the death of said applicant, but a preponderance of the evidence shows that said child was born in the month of December, 1899, and died in the month of January, 1900. *died prior to Jan 1, 1899*

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Rey Thompson, deceased, as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly denied.

COMMISSIONER.

Muskogee, Indian Territory,

Reverte

INDEXED.

COMMUNICATIONS SECTION	
FILED	APR 21 1906
1-1-1-1	

Posey, Alex.,
Muskogee, I.T.,
April 24, 1906.

Transmits testimony
relative to application for
enrollment of Roy Thompson
as a Creek citizen.

En 979

D.A. 141.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Wetumka, Indian Territory, April 24, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the testimony of William Nero and Thomas Thompson, taken March 19, 1906, in the matter of the application for the enrollment of Roy Thompson, deceased, as a citizen by blood of the Creek Nation.

The testimony of Leah Bright, which is desired in this case, will follow as soon as same can be secured.

Respectfully,

Alfred May
In Charge Creek Field Party.

Cr.M. 344.

Muskogee, Indian Territory, February 26, 1907.

Rose Thompson,
c/o Thomas Thompson,
Seneca, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Roy Thompson, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.

LM-3.

Cr. En. 999.

Muskogee, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Ray Thompson, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM- 9.

Through the Commissioner
of Indian Affairs.

Cr. No. 999.

Muskogee, Indian Territory, February 26, 1907.

M. L. Matt,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Roy Thompson, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IX- 8.

Refer in reply to the following:
Land References in body of letter.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

COPY.

WASHINGTON, March 2, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

There are enclosed herewith the records of proceedings in the matter of the applications for the enrollment of the following persons:

21280-1907: Heratie John Rose, as a citizen by intermarriage of the Cherokee Nation.

21244-1907: John F. Devaughn,

21233-1907: Ada E. White, as a citizen by blood of the Cherokee Nation.

21259-1907: Marvin T. Brake, as a citizen by blood of the Choctaw Nation.

21260-1907: Bessie Springer,
Lillie Livingston,
Jennie Springer, and
Richard Springer,

21261-1907: Addie Goldsmith,
Christie Goldsmith,
Currie Goldsmith,
Stanley Goldsmith,
Otis Goldsmith,
Bess Goldsmith,
Henry Goldsmith,
Mabel Goldsmith,
Lincoln Jefferson Goldsmith,
Guy Goldsmith,
Solomon Goldsmith,
Lloyd Goldsmith,
Tommach Goldsmith,
Orange Goldsmith, as citizens by blood of the Choctaw
or Chickasaw Nations.

Ethel Goldsmith,
Ola Goldsmith, and

Bessie Goldsmith, as citizens by blood of the Choctaw
Nation.

21262-1907: Mary Byington, as a citizen by blood of the Choctaw
Nation.

21276-1907: Katie Arch, et al., all deceased, as citizens by blood
of the Creek Nation. (Katie Arch,
Louis Arch, Lizzie Arch and
Vellie Arch).

21264-1907: Ray Thompson, deceased, as a citizen by blood of the
Creek Nation.

21274-1907: Annie Johnson, as a citizen by blood of the Creek Nation.

21238-1907: Clyde Wilton Hardrick, as a Cherokee freedman.

21241-1907: Maudie Ella Jones, as a Cherokee freedman.

21240-1907: Stephen Carter, as a Cherokee freedman.

- 21243-1907: Henry Ely,
Joanna Ely,
Henry Ely, Jr.,
Jesse Ely,
Lucinda Ely,
Charles Ely,
Laurenzie Ely, and
Morgan Ely, as Cherokee freedmen.
- 21259-1907: Sarah Ann Dawson, and
Lillian Beatty, as Cherokee freedmen.
- 21242-1907: Catherine Brewer,
Henry Brewer,
Margaret Brewer,
Willey Brewer, as Cherokee freedmen.
- 21263-1907: Jennie Roberson,
Ether Roberson, and
Fany Roberson, as Creek freedmen. (All deceased).
- 21266-1907: Frances Marshall, as a Cheetaw freedman, or as a
citizen of the Cheetaw Nation.

The decisions of the Commissioner to the Five Civilized Tribes, relative to the enrollment of the above named applicants, were adverse in each case.

The decisions of Commissioner Bixby have been examined, they are found to be correct, and the Office recommends that they be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KRM-LG.

I.T.D. 7222-1907.

WHL:LS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby affirmed. Copy of Indian Office letter of March 2, 1907, submitting your reports and recommending that the decisions be affirmed, is herewith enclosed.

Title of case.	Date of your letter of transmittal.
Stephen Gunter, Cherokee freedman	February 26, 1907.
Marvin T. Braks, Choctaw by blood,	February 27, 1907.
Addie Goldsmith, et al., Choctaws by blood,	February 25, 1907.
Catherine Brewer, et al., Cherokee freedman;	February 27, 1907.
Henry Ely, et al., Cherokee freedman,	February 27, 1907.
Frances Marshall, Choctaw by blood,	February 27, 1907.
Jennie Roberson, et al., deceased, Creek freedman,	February 26, 1907.
Glyde Wilton Hardrick, Cherokee freedman,	February 26, 1907.
Annie Johnson, Creek by blood,	February 26, 1907.
Annie Johnson, Creek by blood,	February 27, 1907.
Mary Byington, Choctaw by blood,	February 27, 1907.
Roy Thompson, deceased Creek by blood,	February 26, 1907.
Bulah Ann Dawson, et al., Cherokee freedman,	February 26, 1907.
Katie Arch, et al., deceased, Creeks by blood,	February 27, 1907.
Bessie Springer, et al., Choctaws by blood,	February 26, 1907.
Ada E. White, Cherokee by blood,	February 26, 1907.
Horatio John Ross, Cherokee by intermarriage	February 27, 1907.
John F. Devaughn, Cherokee by intermarriage,	February 27, 1907.
Maudie Ella Jones, Cherokee freedman,	February 26, 1907.

A copy herewith and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

I enclose, and
54 enclosures to Ind. Of. with
copy herewith.
W.C.V. 3-4-07.

E.A. Hitchcock,
Secretary.

Gr. No. 999.

Muskogee, Indian Territory, March 30, 1907.

Rose Thompson,

c/o Thomas Thompson,

Seneca, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Roy Thompson, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner

CR EN 1000

CR EN 1000

A. 75.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Morse, I. T., March 9, 1906.

In the matter of the application for the enrollment of Minnie Marshall, deceased, as a citizen by blood of the Creek Nation.

SISSIE WEST, being duly sworn, testified as follows:

Through Alex Posey official Interpreter:

BY COMMISSION:

- Q What is your name? A Sissie West.
Q How old are you? A About thirty-eight.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Muyaka.
Q Do you know a child of Barney Marshall named Minnie Marshall? A Yes, sir.
Q What was the name of the child's mother? A Her name was Heda Marshall at that time. I do not know what her present name is.
Q Were Heda and Barney Marshall married? A No, sir.
Q Do you know when Minnie died? A I do not know when the child died.
Q How old was the child at the time of its death? A About like that child. (indicating a child standing in a nearby wagon) (The mother of the child referred to by the witness says it is four years of age)
Q Which died first your child Elias or Minnie? A Minnie died first.
Q How long before your child died did Minnie die? A I have not much idea, maybe a year before my child died.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did Minnie die before or after the opening of the Creek Land Office? A The child died after.
Q How long after? A I do not know how long after but it was in that year and after the filing began.
Q Did you corroborate an affidavit made by Barney Marshall with reference to the death of Minnie? A Yes, sir.
Q Are the dates as given in that affidavit correct? A The dates are correct.
Q Where did you get the date? A I did not myself know the date but corroborated his affidavit upon his saying.
Q Did Barney Marshall at that time have any record as to when the child died? A No, sir.
Q Do you know whether or not any record was made of the child's death? A I do not know.
Q What is the post office address of the mother of Minnie? A She lives near Hobe but gets her mail here (Morse) sometimes.

I, D. C. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said case on said date.

Subscribed and sworn to before me this 15th day of March 1906.

D. C. Shaggs
Notary Public.

Att. 73.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Merse, I. T., March 9, 1906.

In the matter of the application for the enrollment of Minnie Marshall, deceased, as a citizen by blood of the Creek Nation.

MINNIE DEERE, being duly sworn, testified as follows:

Through Alex Posey official Interpreter:

BY COMMISSION:

- Q What is your name? A Minnie Deere.
Q How old are you? A About twenty-eight.
Q What is your post office address? A Merse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong? A Arbocedhe.
Q Do you know a child of Barney Marshall named Minnie Marshall? A Yes, sir.
Q Who was the child's mother? A Nedda Micoo.
Q Were Barney Marshall and Nedda Micoo married? A No, sir.
Q Do you know when Minnie died? A I do not know but there is a record in my father's record book.

The book referred to is examined and on page 18 thereof, is found an entry, written in the Creek Language, which is translated by the official interpreter as follows:

"Okfuske, Ind. Ter.

Feb. 23rd 1896

Mr. B. H. Marshall had a daughter named Miss Minnie H. Marshall born on this date and the child died on the first day of March, after six days long."

There have been lines drawn through the words "the first day of March" as if an attempt had been made to obliterate them and following, written with a lead-pencil, appear the words "April 6th 1899", which appear to have been written at a later date.

- Q Do you know who made this record? A Barney Marshall.
Q How old was the child at the time it died? A I think the child was about a year old. The child may have been a little older because it was walking.
Q How many years has it been since the child died? A I do not know.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did the child die before or after the opening of the Creek Land Office? A I think the child died after the opening of the Creek Land Office.
Q Why do you think so? A Because the record shows when the child died. The record in that book was transcribed by Barney Marshall from a record which he made at the time the child died.
Q Do you know what became of the original record? A I think he destroyed it after transcribing it. It was written on a small piece of paper.
Q Is the mother of the child living? A She is living somewhere Deepfork but I do not know her post office address.
Q What relation was the child to you? A No relation.
Q The father is dead is he? A Yes, sir.

Att. 75.---2.

I, D. H. [unclear], do hereby state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cases on said date.

Subscribed and sworn to before me this 13th day of May 1901.

John C. [unclear]
Notary Public.

B.A. 73.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Newby, I. T., November 3, 1905.

In the matter of the application for the enrollment of Minnie Marshall, deceased, as a citizen by blood of the Creek Nation.

CILLA LAMIE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Cilla Lamie.
Q How old are you? A About twenty-eight.
Q What is your post office address? A Newby.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q ~~NEWBY~~ To what town do you belong? A Okfuske.
Q Did you know a child of Barney Marshall and Neda Micco named Minnie Marshall? A Yes, sir.
Q Do you know when the child died? A The child died during the smallpox epidemic. It died just before myself and husband were taken to the pest-camp at Hillabee Hutche. My husband went across Deep Fork to get lumber to make a coffin for the child and was exposed to the smallpox over there. After the child was buried he became sick with the disease and we were taken to the pest-camp and detained there about a month. We were taken there in March and the child died in the early part of the month.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did the child die before or after the opening of the Creek Land Office? A Yes, sir. The child died a short time before the opening of the land office. I made selection of land for myself in the fall of the year after the land office opened.
Q Were you present when the child died? A The child died here in this house and I was present.
Q Was Barney Marshall the lawful husband of Neda Micco? A They lived together until they had two children. Minnie was the first child, the other child's name was Hepsey. She died when she was about ten months old. Neda Micco is my sister.

---oooOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 30 day of Dec 1905.

Edw. W. Hines
Notary Public.

En. 1000.

I.S.N.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Minnie Marshall, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N

The record in this case shows that on March 24, 1903, there was filed in the office of the Commission to the Five Civilized Tribes, in Muskogee, Indian Territory, an affidavit in the matter of the death of Minnie Marshall and such affidavit is considered as an original application for the enrollment of said Minnie Marshall, deceased, as a citizen by blood of the Creek Nation.

Further proceedings were had March 9, 1905, and November 3, 1905.

The evidence shows that Minnie Marshall, deceased, was the minor child of Barney Marshall and Neda Marshall, (or Neda Misco) and from the records in this case it appears that the name of Barney Marshall is contained in a partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite number 4052. Neda Marshall (or Neda Misco) is identified from the records of this office as Hitty Marshall, whose name is contained in a partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite number 4001.

A preponderance of the evidence in this case shows that said Minnie Marshall, deceased, was not living on April 1, 1890.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Minnie Marshall, deceased, as a citizen by blood of the Creek Nation and the application for her enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory.

MAR 12 1906

En. \$1000.

Muskogee, Indian Territory. March 13, 1906.

Neda Mico,

Morse, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Minnie Marshall, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. O. Beall.

Acting Commissioner.

N-8

En. 1000

Muskogee, Indian Territory. March 23, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Minnie Marshall, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. O. Beall

Acting Commissioner.

AS-2-1

No. 1000.

Muskogee, Indian Territory. March 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Minnie Marshall, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner, dated March 12, 1906.

Respectfully,

Wm. O. Beall.

Through the Commissioner
of Indian Affairs.

Acting Commissioner.

B. C.

I.T.D. 21042-1906.

En 1000
JP.LLB.LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, October 24, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 13, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Minnie Marshall, deceased, as a citizen by blood of the Creek Nation, including your decision of March 12, 1906, adverse to the applicant.

Reporting October 18, 1906 (Land 23943), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the matter have been sent to the Indian Office for its files.

Respectfully,

E.A.Hitchcock,
Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind.Of.

Refer in reply to the following:
Land:23943-1906. COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, October 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commissioner to the Five Civilized Tribes, dated March 13, 1906, transmitting the record relative to the application of Minnie Marshall, deceased, for enrollment as a citizen of the Creek Nation.

On March 24, 1903, an affidavit was filed in the office of the Commission at Muskogee, Indian Territory, relative to the death of Minnie Marshall and the affidavit is considered as an original application for enrollment of Minnie Marshall, deceased, as a citizen by blood. Further proceedings were had in reference to the application on March 9, 1905, and November 3, 1905.

On March 12, 1906, the Commissioner held that the above named applicant was not entitled to enrollment.

The record shows that Minnie Marshall, deceased, was the minor child of Barney Marshall and Neda (or Nedo) Micco and it is further shown by the record that Barney Marshall is identified opposite No. 4052 in a partial list of citizens by blood of the Creek Nation approved by the Department of the Interior March 13, 1902.

Neda Micco (or Nedo) is identified as Nitty Marshall opposite No. 4001 in a partial list of citizens by blood of the Creek Nation approved by the Department of the Interior on March 13, 1902.

The evidence in this case establishes the fact that Minnie Marshall , deceased, was not living on April 1, 1899.

Therefore in view of this fact and of the act of Congress of March 1, 1901 (31 Stats. 861) the approval of the decision of the Commissioner is recommended and it is further recommended that the application for the enrollment of Minnie Marshall, deceased, as a citizen by blood of the Creek Nation be denied.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

HRD-BHG.

En 1000

Muskogee, Indian Territory, November 2, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of October 24, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated March 12, 1906, denying the application for the enrollment of Minnie Marshall, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

En 1000

Muskogee, Indian Territory, November 2, 1906.

Neda Micco,

Morse, Indian Territory.

Dear Madam:

You are hereby advised that the Department under date of October 24, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated March 12, 1906, denying the application made by you for the enrollment of Minnie Marshall, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EU 1001

CR EU 1001

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 1, 1905

In the matter of the application for the enrollment of LeRoy Dean as a Creek Freedman.

(NO APPEARANCE).

Joanna Dean, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Joanna Dean.
Q How old are you? A I am 24 years old.
Q What is your postoffice address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Have you been enrolled? A Yes, a long time ago.
Q Have you got your land? A Yes, Red Fork.
Q Have you a child named Leroy Dean? A That's the one.
Q Is that child living? A Yes sir.
Q Where is it? A Home.
Q In Muskogee, here? A Yes sir.
Q Is Silas, your husband, enrolled as a Creek Freedman? A Yes, sir.
Q When was Leroy Dean born? A Born in March--the 28th day of March. I believe it was the 28th or 29th.
Q Are you sure it was in March? A In March.
Q Are you sure it was in March--of what year? A I don't know what year. In this month--in March would make him a boy of--
Q I did not ask you to judge that? A I put it down in the Bible.
Q The age of Leroy Dean? A Yes sir. Put the age down.
Q What kind of a book was it? A Bible; it was in a Bible or some book.
Q Who put it down? A My husband, Silas Dean.
Q How long after the birth of the child did he put it down? A I couldn't think of that, 'cause I never paid attention to that; anyway, the 28th of this month would make him to be four years old.
Q Did Silas have any other children by you? A By him, yes--no outside the three children I have got; I have got three.
Q By him? A Yes sir.
Q What are their names? A Viola, Mary Edna.
Q Was Viola born before Leroy? A Yes sir.
Q How long? A Oh, my goodness, I don't know. I never keep account.
Q Was it four years before? A Yes, I reckon so; I don't know. I never got it down. I cannot guess.
Q Have you the names of all the children spoken of? A But two.
Q Viola and Leroy? A Yes sir.
Q Which is the first? A Viola, she is the eldest.
Q What did he write with pencil or pen? A I don't remember that either.
Q Tell, as near as you can, what that record shows. A I told

LeRoy Dean-----2.

you I don't know. I never looked at it. I saw him write it.

Q You don't know the year in which LeRoy Dean was born? A No, sir.

Q You don't know how many years ago he was born? A I told you once.

Q How many years, about four? A Yes sir.

Q Do you know a man by the name of W. D. Blackard? A Yes, I do.

Q Do you remember going before him and making out an affidavit about the birth? A I do; I was on this side of Fort Smith.

Q Was it in the Indian Territory that that affidavit was made? A Yes sir.

Q When was that affidavit made? A I don't know, 'cause I was sick; never thought any more about it.

Q How long after the birth of the child was it made? A Oh, I-- I have told you; you would see that without asking me that.

Q That isn't the point--I was asking you how old that child was. A Ain't it on paper?

Q I want you to tell as near as you can. A I never kept track of it.

Q Who was present when LeRoy was born? A That lady that was in just now.

Q What is her name? A Willie Dee; Nancy Mayfield.

Q Midwife? A Yes.

Q Is she living? A She is, not far, in the country.

Q Outside of Muskogee? A Yes sir.

Q She also executed an affidavit about the birth of the child?

A I reckon so. I was not here; I--nothing to do.

There is on file with the Commission an affidavit relative to the birth of LeRoy Dean, executed by Joanna Dean, before W. D. Blackard, September 6, 1902. Said affidavit is considered as the application for the enrollment of said child.

Q Have you that record with you now? A No sir.

Q Is it here in town, at your home? A I reckon so; I don't know. It has been so long. It might have been thrown away. I think the old place shut down; I don't know.

Q Who took care of the child--did you have it with you all the time? A Yes sir.

Q Did you take it to Fort Smith? A Yes sir; I wouldn't leave it here.

Q Did you take the other child with you, Viola? A Yes sir.

Q When did you come back from Fort Smith--How long have you been here this last time? A I come home in June.

Q Last June? A Yes sir.

Q And when did you go away? A I don't know. Never kept account.

Q Did you have a doctor in the house at the time this child was born? A Didn't.

Q Did you have a doctor attending you in your sickness? A I did not.

Q Was anybody else (present) when the child was born besides the woman out there and Nancy Mayfield? A Yes, an old lady named Mrs. Smith.

Q Where does she live? A Don't know anything about it.

Q Anybody else? A No sir.

The applicant is advised that the Commission desires

her to have before it the record of the Bible in which she states that said record was made of the birth of her children; also to have Nancy Mayfield, the midwife, and her husband, Silas Dean, before the Commission, for the purpose of being examined under oath.

- Q Did you swear to that fact before Mr. Blackard? A I reckon I did.
- Q How did you know what was in it when you swore to it? A I didn't forget.
- Q Did he read it to you, do you remember? A I am most sure, he did. They read all papers.
- Q Did you sign it yourself? A I reckon I did.
- Q Did you make a mark? A I did my own signing.
- Q You don't remember how old the child was when you made that affidavit? A No sir; I don't remember; Mr. Dean, he can tell.
- Q He was present when it was made? A Yes sir.

Annie Dean, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Annie Dean.
- Q How old are you? A 28 years old.
- Q What is your postoffice address? A Muskogee.
- Q Are you a citizen of the Creek Nation? A No sir.
- Q United States citizen? A Yes sir.
- Q Do you know Silas Dean and Joanna Dean? A Yes sir.
- Q Were they married? A Yes sir.
- Q Do you know their children? A Yes sir.
- Q How many did they have altogether? A Three.
- Q How many are living? A Three living.
- Q All living? A Yes sir.
- Q Can you name them? A I know Viola and LeRoy; don't know what the little baby is.
- Q Very young one? A Yes sir; five or six months old; maybe older.
- Q Is Viola older than LeRoy? A Yes sir.
- Q How much? A She is five years old; older than LeRoy.
- Q She is just five years old? A Yes sir. Pretty close together; about two years difference.
- Q How old is LeRoy? A Don't know just--
- Q When was he born? A In March.
- Q Sure of that? A I know he was born in March.
- Q How do you remember that? A 'Cause I know; I know one month from another.
- Q What year was it? A I don't know what year it was, but I know he was born in March. He will be two years old, I think, this March. I know it was in March. Two years old or over in March. I know he was staying up with Joanna's brother and the woman that she had--but what day of the month I did not keep.
- Q Was it early in March or late? A It was about the middle of March, I believe, as near as I can remember.
- Q Can that child talk and walk now? A Yes sir.
- Q How long has he been walking? A Ever since he was a year old.
- Q How long was that? A I couldn't tell.
- Q Has it been a year? A Yes, over a year.
- Q That he could walk? A Yes sir.
- Q How long has he been walking when he was a year old? A I don't know.
- Q Do you still say that he will be two years old the coming year?

LeRoy Dean-----4.

March? A I couldn't say. I never asked the parents.

Q Have you any young children? A Have got one.

Q What is the name? A Marianna.

Q Were you present when LeRoy Dean was born? A Yes sir. I helped to dress him and put her to bed..

Q Who else was there? A Fanny Mayfield and a woman called Lucy Smith.

Q Anybody else? A Nobody else only my little baby.

Q How old was Marianna when this child was born? A Marianna was born in May.

Q Of that same year? A The other was born in March.

Q You still say that LeRoy Dean was born in March and Marianna was born in May and that Marianna was present when the other was born? A In May before that.

Q You didn't say it!

Q You mean Marianna? A Yes, this must be the one, but that's my baby.

Q Was LeRoy Dean born in March after your child Marianna was born? A Yes sir. I had the baby there at the ~~child's~~ time child was born.

Q She was as old as from May to March, the date LeRoy was born?

A Yes sir.

Mary Annie Dean was listed for enrollment on Creek Creek Freedman Card, field No. 1648, on August 9, 1902. Her parents appear on the card to be John Dean and Annie Dean, a United States citizen. From a notation on that card it appears that said Mary Annie Dean was born May 15, 1901.

INDIAN TERRITORY, Western District.

I, J. F. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed
before me this the
13 day of March,
1905.

J. F. Miller
Edw. S. Jones
Notary Public.

2415 B

BA-37

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 8, 1908.

In the matter of the application for the enrollment of Leroy Dean as a Creek Freedman.

Silas Dean, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Silas Dean.
Q What is your age? A 33.
Q What is your postoffice? A Muskogee.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Joanna.
Q Have you a child named Leroy Dean? A Yes sir.

The name of Silas Dean appeared on Creek Freedman card, field No. 1232, and his name is contained in partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, Roll No. 4543.

The name Joanna Dean appears on Creek Freedman card, field No. 1256, and her name is contained in partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, Roll No. 4549.

- Q Is Leroy Dean living? A Yes sir.
Q How old is he? A Four years old the 28th day of March.
Q You know in what year he was born? A Yes sir.
Q What year? A 1901.
Q How do you remember that? A Just keep it in my head.
Q Did you ever write it down? A I had it written down in a book, but it is a sample, the children might have torn it up.
Q Your wife said you had it written down in a Bible, you haven't it in a Bible but a sample book? A Yes sir.
Q Did you bring it with you? A No sir.
Q Did she ever tell you to bring it with you? A No sir, we were waiting for the midwife.
Q When did you last look at the record of the birth of this child? A Have never noticed it since I put it down.
Q Just remember that it was born March 1901? A Yes sir.
Q Who were present when the child was born? A Nancy Mayfield and another woman named Willie Dean.
Q Did you have any doctor present? A No sir.
Q You have a child named Viola? A Yes sir.
Q Is Viola living or dead? A Living.
Q When was she born? A 1899.
Q How long after Viola was born before Leroy was born? A Two years will be 28th day of June, will be six years old.
Q Do you remember when your wife came here and filed on your land? A No sir, she has never been here herself.
Q Who filed on her land? A I did.
Q Do you remember when you did? A I don't know exactly.
Q You just remember coming here to you? A Yes sir.
Q Was Leroy born at that time? A No sir.

LeRoy Dean-----2.

Q Was he living then? A No sir.

Q When you came to file for your wife, was he not living? A No sir.

Q Are you certain of that? A Yes sir.

Q How long after that was he born? A A good while after that, because Viola was not born when I filed for her.

Q You think your wife would remember when you came to file for her ~~land~~ on her land? A I don't know whether she does or not.

Q I want you to understand this question thoroughly: was LeRoy living when you came to file on your wife's land? A No sir.

Q He was not yet born? A No sir.

The records of the Commission show that a citizenship certificate was issued for Joanna Dean June 27, 1901.

Q Now, you came in here to file on your wife's land about the 27th of June, 1901? A Not to file.

Q To file on her land? A I think things must be mixed up.

Q I will ask you again: Had LeRoy been born when you came to file on your wife's land? A I don't remember, if that is the way it is; of course, I thought he was not.

Q Do you think he was or was not born when you came in to file? A If that is the case, he was born; I thought he was not.

Q You say you remember when you came in to file? A Yes; I don't remember what time it was.

Q I did not ask you for the time--When you came in to file for your wife, was LeRoy then living? A I got things mixed up; I thought he was (not). It did look so to me; I filed both both at the same time.

Q You remember how big a girl Viola was when LeRoy was born? A Yes, a big girl.

Q About how old? A She was about two years old; maybe not quite two years old; she was born on 20th June.

Q In what year? A 1899.

Q You say she was two years old when LeRoy was born? A Near about it; in June she would be two years old.

Q Why is it that you waited so long coming in about LeRoy after you filed this affidavit? A My wife was not here; she was at my mother's.

Q Where does she live? A Near to Fort Smith.

Q Why didn't you come in yourself? A I did. I had orders to wait until she comes.

The witness is notified to bring in the record in which the date of the birth of LeRoy Dean is written and also to have the midwife in attendance appear before the Commission and give testimony under oath.

The witness is allowed twenty days within which to produce the evidence mentioned.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me this 11th day of April, 1901.

By Commissioner April 11, 1901

J. Y. Miller
J. P. Smith
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 24, 1905.

-ooOoo-

In the matter of the application for the enrollment of LeRoy Dean as a Creek Freedman.

NANCY MAYFIELD, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

Q What is your name? A Nancy Mayfield.
Q How old are you? A Guess I am about 35.
Q What is your postoffice address? A Summitt.
Q Do you know LeRoy Dean? A Yes.
Q Were you the mid-wife in attendance at LeRoy's birth? A Yes.
Q What is LeRoy's mother's name? A Joanna Dean.
Q How old is that child? A He is four years old, but I cannot tell you the dates.
Q What month was he born in? A March.
Q He is four years old now, is he not? A Yes.
Q Was there anyone else present at his birth besides you? A Yes, Annie Dean; she is here.
Q You say she is here? A Yes, she is here.
Q Who is the father of LeRoy Dean? A Some call him John Dean, and some call him Silas Dean.
Q Was there anyone else present at that child's birth outside of you and Annie Dean? A Just me and her was present.
Q Is Annie Dean here in the building? A Yes, she is here.
Q Will you call her? A Yes, sir.

ANNIE DEAN, being duly sworn, testified as follows:

Q What is your name? A Annie Dean.
Q How old are you? A 28.
Q What is your postoffice address? A Muskogee.
Q Do you know Joanna Dean? A Yes, sir.
Q Has she a child named LeRoy Dean? A Yes, sir.
Q At the birth of LeRoy, were you present? A Yes.
Q How old is he now? A I cannot tell exactly but as near as I can get at it he will be four years old in this month.
Q What day in this month will he be four? A I do not know.
Q How do you know he is four? A As near as I can tell it--I mean I did not keep account; I know my own children's ages.
Q Were you present at the birth of LeRoy? A Yes, I was right there.
Q He was born in the night.
Q Did you make a record of anykind of the birth of LeRoy? No, sir.
Q How many children have you? A Harris, Meanna and Fredonia.
Q When was Harris born? A He is six years old th is May coming.
Q How old is Meanna? A Four years old this coming May--he was born on the 15th--12th I mean--and she was born on the 15th but another year.
Q When was that last child of yours born--Fredonia? A June 4th.
Q What year? A 1902. LeRoy was born away after my baby was

LeRoy Dean A. #2.

born--I mean he was born before my baby was born; he was a big child when my baby was born.

Q How old was Meanna when LeRoy was born? A She was a little baby then.

Erna Ellen Parrish, being sworn on her oath stated that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Erna Ellen Parrish

Subscribed and sworn to
before me this 27th day of
March, 1905.

Edw. L. B. B. B.
Notary Public.

Cr.En.1001.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, June 27, 1906.

In the matter of the application for the enrollment of
Le Roy Dean as a Creek freedman.

SILAS DEAN, being duly sworn, testified as follows:

- Q What is your name? A Silas Dean.
Q Ever called anything else than Silas? A No, sir.
Q Never called John? A Called John sometimes.
Q Why did you say you were never called anything but Silas, why do you contradict yourself? A That is only a nickname.
Q Have you a child named LeRoy Dean? A Yes, sir.
Q Living? A Yes, sir.
Q Where is it? A Here in town.
Q With whom does it stay? A With me and my wife.
Q What is your number? A We have no number; we live out in Reeves addition.
Q What is the name of the mother of this child? A Joanna.
Q What was the name of the midwife? A Nancy Mayfield.
Q How old is this child? A Five.
Q Five past or going on five? A Five past.
Q When five? A The 28th of March.
Q Are you sure of that? A Yes, sir.
Q You testified here March 8, 1905 that you had written down the date of the birth in a book? A I told you I had it written in a copy book and we had but the children had torn it up.
Q And you were advised to bring it in? A I never found it.
Q You testified at that time that your child LeRoy was not born yet when you filed for your wife and the records show that you filed for her June 27, 1901? A I don't remember anything about that; I told you when I was here that I didn't exactly remember when I filed for her because I forgot it.
Q We don't ask you to tell exactly or to tell the date at all but if you remember the circumstance? A I remember filing but I don't know when I did it.
Q You stated the child wasn't born yet then? A I don't know anything about that.
Q Why did you say the child wasn't born yet then if you didn't know anything about it? A I don't just remember it that is all.
Q And your wife on March 1, 1905 in sworn testimony says you put down the age in the bible? A We never owned a bible in our lives; the only book it was put down in was that copy book; I had the children's ages in that but it got misplaced somewhere.
Q Were you present when your wife made out the affidavit about the birth of this child before a man named Blacard? A I don't know who the gentleman was.
Q You are sure that child is living and that it was five years old March last? A Yes, sir

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of mystenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 28 day of June 1906.

Anna Garrigues
Edward M. Munn
Notary Public.

Cr. No. 1001.

I. S. N.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of LeRoy Dean, as a Creek freedman.

DECISION.

The record in this case shows that on September 8, 1902, there was filed in the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, an affidavit in the matter of the birth of LeRoy Dean, which affidavit is considered in the nature of an original application for his enrollment as a Creek freedman. Further proceedings were had March 1, March 8, and March 24, 1905, and June 27, 1906. On June 26, 1906, there was also filed with this office a second affidavit in the matter of the birth of LeRoy Dean, which affidavit is attached to and made a part of the record herein.

The evidence in this case is conflicting as to the date of birth of said LeRoy Dean, but a preponderance of the evidence establishes such date as March 28, 1901.

It appears further from the evidence that said applicant was living on the date of the last proceedings herein.

It also appears from the evidence and the records in the possession of this office that said LeRoy Dean is the minor child of Joanna Dean and Silas Dean, whose names are contained in a partial list of Creek freedmen, approved by the Secretary of the Interior March 28, 1902, opposite roll Nos. 4349 and 4543, respectively.

It is, therefore, ordered and adjudged that said LeRoy Dean is entitled to enrollment as a Creek freedman, in accordance with the provisions of the act of Congress, approved June 30, 1902 (32 Stats., 500), and the application for his enrollment as such is accordingly granted.


Commissioner.

Muskogee, Indian Territory.

JUL 18 1906

2219

B.A. 26.

Muskogee, Indian Territory, September 21, 1903

Joanna Dean,

Muskogee, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, LeRoy Dean, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that testimony be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who knew the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

No. 1001.

Muskogee, Indian Territory, January 12, 1908.

Silas Dean,

Port Smith, Arkansas.

Dear Sir:

Receipt is acknowledged of your letter of December 26, 1905, by reference from the Secretary of the Interior, relative to the enrollment of your minor child, Leroy Dean, as a citizen of the Creek Nation.

You are advised that it is impossible to ascertain, from the proof on file in said case, the exact date of birth of said child, and that it will be necessary that you and the mother of said child and two witnesses who know the date of its birth appear at this office, at an early date, for the purpose of being examined under oath.

It is stated in testimony on file in this office that you have a record giving the date of birth of said child, and you are advised that same should be produced at said appearance.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 16, 1906.

M. L. Matt,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of LeRoy Dean, as a Creek Freedman.

The decision with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

TM-67.

Commissioner.

CR EN 1002

CR EN 1002

V.A. -2.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Clearview, I. T., November 15, 1905.

In the matter of the application for the enrollment of Eliza Barnett, deceased, as a citizen by blood of the Creek Nation.

SEMARHETSKAR, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Semarhetakar.
Q How old are you? A I do not know my age. I may be forty years old.
Q What is your post office address? A Okemah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Thlopthlocco.
Q Did you know Eliza Barnett? A Yes, sir, she was my sister.
Q Do you know when she died? A I have forgotten the date of her death. She has been dead about four years, maybe more.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did Eliza Barnett die before or after the opening of the Creek Land Office? A She died after the land office opened.
Q Do you know how long people had been filing upon their allotments at the time she died? A No, sir.
Q Are you positive that she died after the opening of the Creek Land Office? A Yes, sir. My mother died the day before Eliza died. My mother has been enrolled and given an allotment of land.
Q What was your mother's name? A Hettie Daniel.
Q Was there any record made of the death of Eliza? A No, sir.
Q How old was she at the time of her death? A She was younger than I am.
Q Was she known by any other name? A No, sir.
Q Was she married? A Yes, sir, she was married to Daniel Barnett.
Q Have you ever executed an affidavit relative to her death? A Yes, sir.
Q There is on file in the office of the Commissioner an affidavit, executed by you, stating that Eliza Barnett died January 8, 1901. Is the date as given in that affidavit correct? A Yes, sir, because at that time I knew the date of her death though I have now forgotten.
Q How soon after she died was it that you executed the affidavit?
A I do not know.

OSOCHÉ FIXICO, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Osoche Fixico.
Q How old are you? A I am now about thirty-three years old.
Q What is your post office address? A Okemah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Kialigae.
Q Did you know Eliza Barnett? A Yes, sir, I was well acquainted with her.
Q Do you know when she died? A I am unable to give you the exact date of her death. I do not know what month or whether it was in February or shortly after Christmas.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did Eliza Barnett die before or after the opening of the land office? A After.

D.A.-2-4-2.

Q. How long did she live after the land office opened? A. I do not know, but I think over a year.

Q. You are positive are you that she was living at the time the land office opened? A. Yes, sir. I remember the circumstance of her death very well but cannot give any dates. She died the day after her mother died.

Q. What was the name of her mother? A. Hettie Daniel.

Q. Do you know whether or not Hettie Daniel has been enrolled and given an allotment? A. Yes, sir, she has.

---000000000000---

I, D. S. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. S. Skaggs

Subscribed and sworn to before me this 2 day of June 1908.

Wm. P. Smith
Notary Public.

IN RE
THE DEATH OF

Eliza Barnett
a citizen of the

Nation.

Approved

190

Commissioner.

Filed 3/8/00

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Eliza Barnett
(Here insert name of deceased.)
 a citizen of the Creek Nation, who formerly resided at or near
Mc Dermott, Ind. Ter., and died on the 8th day of January,
(Here insert name of postoffice.)
 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }

INDIAN TERRITORY, }

Northern District. }

I, Semahitkar, on oath state that I am 33
 years of age and a citizen, by blood, of the Creek Nation;
 that my post office address is Mc Dermott, Ind. Ter.; that I am
(Here insert name of post office.)
sister of Eliza Barnett,
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by blood, of the Creek Nation;
 and that said Eliza Barnett died on the 8th day of
(Here insert name of deceased.)
January, 1901.

WITNESSES TO SIGN:

(Must be Two
Witnesses.)

H. H. Holman
Ros. Richardson

Subscribed and sworn to before me this 15th day of March, 1901.

Jefferson P. Canard
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }

INDIAN TERRITORY, }

Northern District. }

I, Luna Dunsen, on oath state that I am 25th
 years of age, and a citizen, by blood, of the Creek Nation;
 that my post office address is Wetumpka, Ind. Ter.;
(Here insert name of postoffice.)
 that I was personally acquainted with Eliza Barnett,
(Here insert name of deceased.)
 who was a citizen, by blood, of the Creek Nation;
 and that said Eliza Barnett died on the 8th day of
(Here insert name of deceased.)
January, 1901.

WITNESSES TO SIGN:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 15th day of March, 1901.

Jefferson P. Canard
 Notary Public.

Con 4/1901

RESIDENCE:

POST OFFICE:

McDermott, Ind. Ill.

Nation.

Roll.

CARD NO.

FIELD NO.

A-21

Dewees' Roll No.	NAME	Relationship to Person first Married.	AGE	SEX	BLOOD	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.	District	No.	Name of Father.	Year.	District	Name of Mother.	Year.	District
1	<i>Barnett, Eliza</i>			<i>F</i>										<i>4</i>
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
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14														
15														
16														
17														
18														

*No. 1 died Jan. 8th 1901**May 24th 1901*

CR EN 1003

CR EN 1003

MEMORANDUM.
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 2nd, 1901.

In the matter of the application of Calvin Anderson for enrollment as a citizen of the Creek Nation. Calvin Anderson being duly sworn, testified as follows:

(Examination by the Commission).

- Q As a citizen of what Nation are you making application for enrollment? A Creek Nation.
- Q What is your name? A Calvin Anderson.
- Q What is your age? A I am 55.
- Q What is your post office address? A Muskogee.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation?
- A I have been belong to them all my days.
- Q The question is have you ever been recognized by them?
- A Yes sir, I was recognized at Okmulgee.
- Q How did they recognize you? A They just told me that I had a right amongst them, and was an Indian as long as the grass grows and the water flows.
- Q Did Council tell you that? A Yes sir.
- Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A I registered.
- Q Does your name appear upon the tribal rolls of the Creek Nation? A My name on the roll? A You 'll find my mother and father on there, they took the rolls, my grand daddy and all of them.

I am not talking about your parents now, what I want to know is about yourself.

- Q To what town do you claim to belong? A Arkansas Town.
- Q Did you ever draw any money in the Creek Nation? A My father drew it for me, I didn't draw it for myself.
- Q Never did draw any for yourself? A No sir, never drew.

1890 and 1895 Authenticated rolls of the Creek Nation examined and the name of the applicant not found thereon.

- Q Were you admitted by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation under the act of Congress approved June 10th, 1897? A No sir.

List of citizens admitted by the Commission to the Five Civilized Tribes examined and the name of Calvin Anderson not found on said list.

- Q Were you admitted by the Creek Citizenship Commission under the provisions of an act of the Creek Council approved May 30th, 1897? A Yes sir.

The records of the Creek Citizenship Commission examined and the name of the applicant not found thereon.

- Q Were you admitted by the United States Court for the Indian Territory upon appeal from the decision of the tribal authorities of the Creek Nation to the decision of the Commission to the Five Civilized Tribes as a citizen of the Creek Nation under the act of June 10, 1897? A Yes sir.

#2. Calvin Anderson.

Court records of the United States Court for the Central District, examined and the name of the applicant not found to have been admitted by the judgement of said court.

- Q Do you know what the Creek Citizenship Commission was?
Q No sir, I don't know really.
Q Do you know what the United States Court is? What is meant by the United States Court? A No, not exactly, that is what I come to learn.
Q Do you know where the United States Court meets, --holds its session? A At the court-house over there, they said that there was the court house, but I don't know what one it was. There was two court-houses was'nt it or one. I don't know, I want to know the straight of it, you just explain all, that is what I come to learn.
Q Do you know what the Dawes Commission is, or the Commission to the Five Civilized Tribes? A I've been before the Dawes Commission.
Q Where is the Dawes Commission? A Anit they, some of them here.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time, for the enrollment of yourself as a citizen of the Creek Nation, mailed to you at your proper post office address at Muskogee, Indian Territory.

Lena Cummings having been first duly sworn, states upon her oath, states that as stenographer to the Commission to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 2nd day of April, A.D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Lena Cummings

Subscribed and sworn to before me at Muskogee, Indian Territory, this 5th day of April, 1901.


Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Calvin Anderson
for enrollment as a citizen of the Creek Nation.

D E C I S I O N.

It appears from the evidence in this case that on the 2nd day of April, 1901, Calvin Anderson appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen of the Creek Nation.

It further appears that the said applicant above named has never been enrolled by the tribal authorities of the Creek Nation and that his name does not appear upon the tribal rolls of the Creek Nation now in the possession of this Commission; that he has not been admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes or by the legally constituted authorities of the Creek Nation, or by the United States Court in the Indian Territory on appeal, in accordance with the provisions of the Act of Congress approved June 10th, 1896 (29 Stats., 321).

The Act of Congress approved May 31st, 1900, (31st Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Calvin Anderson is not a citizen of the Creek Nation and duly and lawfully enrolled or admitted as such, and that, pursuant to the provision of law above quoted, this Commission should not receive, consider, or make any record of an application for his enrollment as a citizen of said Nation, and it is so ordered.

By the Commission to the Five Civilized Tribes.



Acting Chairman.

Dated at Muskogee, Indian Territory, this 1st day of May, 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I. T., June 18, 1904.

In the matter of the application for the enrollment of
Calvin Drew as a Creek Freedman.

APPEARANCES: M. L. Mott, Att'y for Creek Nation.

Calvin Drew, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Calvin Drew.
Q How old are you? A I am about 64.
Q What is your post office address? A Muskogee.
Q Do you now make application to be enrolled as a Creek Freedman?
A Yes, sir.
Q Where do you live? A I live over here between the Arkansas ---
Q Do you live in the Creek Nation? A Yes, sir, I lives in the
Creek Nation.
Q How long you lived in the Creek Nation? A About 11 years.
Q Where did you come from to the Creek Nation? A From Jefferson,
Texas.
Q Did you ever live in the Creek Nation before you came here 11
years ago? A Yes, sir.
Q When was that? A I was here before the war.
Q Were you taken from here before the war? A Yes, sir.
Q You were born here were you? A Yes, sir. They took me away when
I was ten years old.
Q Did you remain away then until eleven years ago? A Yes, sir, I
couldn't get back.
Q You were taken away from here before the war when you were about
ten years old and stayed away until about eleven years ago? Yes, sir
Q Did you ever draw any money from the Creek Nation? A Well I
didn't draw any but my uncle said he drew it.
Q Did he tell you that he drew money for you? A Well my sisters
and beethers told me after he died.
Q He did not tell you that he drew money for you? A He didn't aim
to tell me, I don't think.
Q Were you ever known by any other name? A They gicknamed me, they
gave me Oakoy.

The roll made by J. W. Dunn, prior to March 14,
1867, examined and the applicant not identified on that
roll.

The 1890 Authenticated Creek Tribal Roll and the
1895 Roll examined and the applicant not identified on
either of said rolls.

The 1891 Omitted Roll and the 1895 Omitted Roll
examined and the applicant not identified on either of
said rolls.

- Q Were you ever admitted to citizenship in the Creek Nation by any
authority? A By my folks and blood and all---
Q You don't claim to be a Creek by blood? A Well I am a little.
My grandmother was a part Creek.
Q You were a slave before the war? A Yes, sir.
Q Have you been admitted to citizenship in the Creek Nation since
you returned here eleven years ago? A Yes, sir. They made me pay.
I paid Bill McIntosh, he was the Town King at that time, and I paid
him 25 cents to put my name down.
Q To what town do you claim to belong? A The Arkansas Town.

Q Did you ever go before the Council or before any committee of the Council and make application to be admitted? A I went there to Okmulgee, that's the place where they had the Council and they was waiting for some parties to come and they never did come. They stayed there three weeks to Okmulgee.

Q You never made application to the Council? A No, sir. They didn't fix nothing.

Q Have you ever been before this Commission and was sworn to give testimony before this time? A Yes, sir.

Q Was you sworn to give testimony and it was taken down? A Yes, you just said it was taken down and sent to Washington.

Q When was that? A Going on about six years.

The records of the Commission examined and it does not appear that the application has heretofore been made for the enrollment of Calvin Drew as a Creek Freedman, nor does it appear that he made application for citizenship in the Creek Nation to this Commission under the act of June 10, 1896 (29Stat., 321).

The records of the Creek Citizenship Commission, commonly known as the Colbert Commission, examined and it does not appear that application was made to said Commission for the admission of the applicant herein to citizenship in the Creek Nation.

By M. L. Hott:

Q Why haven't you made application before, old man? A I was trying to but I couldn't get the right understanding of it.

Q Been trying for several years? A Yes, sir, about six years.

Q And then have not been able to get your name on any roll. A Been trying.

Q Been at it for six years? A Yes, sir, trying to get it on.

Q Where are you kin-folks, got any? A Yes, sir. Got brothers and sisters.

Q Have you got any body that is any kin to you that is enrolled?

A Yes, sir. Nero and Rachel Drew. They're my brother and sister.

Q Got any others living? A No, sir.

They are the only brother and sister you got living? A Yes, sir.

Q Have they been allotted? A Yes, sir.

Q They got their deeds? A Yes, sir.

By Commission:

At this ^{year} of proceedings it is ascertained that the applicant has heretofore applied for enrollment as a Creek Freedman, under the name of Calvin Anderson, Creek memo No. 26, and that his application was denied by the Commission and affirmed by the Secretary of the Interior.

Witness excused:

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 18th day of June 1904.

Charles H. Sawyer
Notary Public.

Ex. 1003.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., January 20, 1906.

In the matter of the application for the enrollment of Calvin Anderson as a citizen of the Creek Nation.

(Cornelius J. Jones, Attorney for applicant.

APPEARANCES:|

(For Creek Nation, Merritt Hallik.

BY THE COMMISSIONER:

May 1, 1901 this applicant was denied by the Commission. September 11, 1901, said decision was affirmed by the Department.

December 22, 1905, the Department granted a motion of Cornelius J. Jones to re-open the matter of the application for the enrollment of Calvin Anderson, alias Okey Drew, as a citizen of the Creek Nation, and the parties in interest were notified that said case had been set for rehearing January 18, 1906, at the office of the Commissioner. No appearances were made on said date of witnesses, but the attorney for the applicant appeared and asked that the case be postponed to January 22, 1906. On this date, by mutual consent by parties in interest, the following witnesses were heard.

BOB MCINTOSH, being duly sworn, testified as follows:

- Q What is your name? A Bob McIntosh.
Q How old are you? A About fifty.
Q What is your post office address? A Tullahassee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q How long have you lived in the Creek Nation? A Ever since I could recollect.
Q Do you know that old gentleman who just stepped out of the room?
A Yes, sir.
Q How long have you known him? A We were boys together.
Q Have you known him ever since that time? A Yes, sir.
Q Has he lived near you all that time? A No, sir.
Q Could you give the exact year in which you first became acquainted with that man? A No, sir, it has been so long.
Q Was it before the war? A Yes, sir.
Q Did you know him during the war? A I know his name during the war but never saw him.
Q What is his name? A Okey Drew.
Q Have you ever known him by any other name? A No, sir.
Q For years he gave his name as Calvin Anderson. Did you ever hear that? A I heard it since he gave it in here.
Q Are you any relation to him? A No, sir.
Q Have you any interest in this case? A No, sir.
Q Do you know whether his name appears on the Dunn Roll? A I wouldn't be positive.
Q Do you know? A No, sir.
Q Is your name on the Dunn Roll? A I guess it is.
Q You were here when that roll was made, were you not? A Yes, sir, and long before it was made.
Q To what Creek Indian Town do you belong? A Coweta.
Q Do you know whether the name of this man, who just stepped out of the room who gives his name as Calvin Anderson and whom you call Okey Drew, appears on any of the Tribal Rolls of any Creek Indian Town? A Not that I know.

BY MR. JONES:

- Q Did you know Okey Drew in '66? A Yes, sir.
Q Was he here then, in the Creek Nation? A Yes, sir.
Q Was he living and residing here at that time, in the Creek Nation?
A He was down on Elk Creek with Mrs. Drew, at that time.

BY THE COMMISSIONER:

- Q How do you know he was? A I saw him there.
Q Are you sure of that? A I am pretty sure.
Q That is not a straight answer. Are you sure of that? A According to my remembrance I am sure he was there in '66.

BY MR. JONES:

- Q You have never heard of him moving out of the Creek Nation since?
A I don't know whether he moved out or not. I know I saw him there.
Q You don't know of his moving away? A Not that I know of.
Q Where does he live now? A Over there close to Sedam.
Q You state that he was on Mrs. Drew's place: was he her slave? A Yes, sir.

BY THE COMMISSIONER:

- Q How do you know he was her slave? A I knew it.
Q How do you know it? A Just because I know I was a slave to her brother.
Q What time was that? A Before the war and during of the war.
Q Was he a slave of her's after the war? A He was there I don't know whether he was her slave or not.
Q They didn't have any slaves after the war did they? A No, sir.

BY MR. JONES:

- Q Do you know his father? A Yes, sir.
Q Do you know his mother? A Yes, sir, slightly acquainted with his mother.
Q You say you knew him after since he was a boy? A Yes, sir. He wasn't living with the same people then.

BY THE COMMISSIONER:

- Q You state that you saw him in the Creek Nation, on Elk Creek, in 1866? A Yes, sir.
Q Did you see him in the Creek Nation the next year after that? A No, sir, I never saw him until he moved over across the river.
Q How many years ago was that? A It has been over six or seven years.
Q So you have not seen him since 1866, until six or seven years ago? A No, sir.
Q Do you know anything about where he was living during that time?
A No, sir.
Q Have you ever known him by any other name than Okey Drew? A No, sir.

BY MR. BELICK:

- Q Did he ever have any owners except by the name of Drew? A No, sir.
Q Did he have any owners by the name of Andersen? A No, sir.

BY MR. JONES:

- Q What was his father's name? A ~~Andrew Wells~~ Andrew Wells.

BY THE COMMISSIONER:

- Q Is his father living? A No, sir.
Q When did he die? A Directly after the war.
Q What is his mother's name? A Vinay Drew.
Q When did she die? A Directly after the war.
Q Do you know if either her or him were living in the Creek Nation in the year of 1866 or '67? A Yes, sir, his mother was.

Q The war closed in 1865. I thought you said they died directly after the war? A I said directly after they got back home.

BY MR. BELICK:

Q Where were they during the war? A His father was a soldier.
Q Where was his mother? A In Texas.
Q How soon after the war did they come back? A In 1866 sometime, I think. I don't know anything about it.
Q You don't know what year they came back? A No, sir.
Q You have no way of fixing the date they came back? A No, sir.

BY MR. JONES:

Q Do you know how long after the war was over that you were set free by your owners? A I couldn't tell you the day when they said we was free. I come off the next week.
Q Was that the same time you saw Okey Drew? A When I came from my owners to the old lady's Okey Drew was there.
Q About how long was it. Was it six months or a year after the war was over? A It was in the Spring: April.
Q April after peace was declared? A Yes, sir. It has been so long I am not able to give you the time.
Q This man who is called Okey Drew is the same man that is called Calvin Anderson in this case? A Yes, sir.

Attorney for Creek Nation objects that the question is leading and suggests the answer thereto.

BY THE COMMISSIONER:

The attorney for applicant is warned that he should not ask leading questions.

BY MR. JONES:

Q You stated a while ago that you heard since this case has been in progress that Okey Drew claimed to be Calvin Anderson? A Yes, sir, I heard that.
Q I will now ask you to state if the man whom you were advised was called Calvin Anderson in this case is or is not the one who is called Okey Drew? A I know he is Okey Drew as far as my knowing.

BY THE COMMISSIONER:

We can tell you that this man who was in here was the man who made application as Calvin Anderson.

BY MR. JONES:

Q You never knew him by the name of Calvin Anderson? A No, sir.
Q You never knew him by any other name than Okey Drew? A No, sir.
Q You can't state that he is the same man as Calvin Anderson except that you heard that he came in and applied as Calvin Anderson? A No, sir.

ELLA McINTOSH, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Ella McIntosh.
Q How old are you? A I don't know.
Q What is your post office address? A Tullahassee.

Witness appears to be about fifty years of age.

Q You are a citizen of the Creek Nation are you? A Yes, sir.
Q How long have you lived in the Creek Nation? A All my life.
Q Do you know that man who just stepped out of the room? A Yes, sir.
Q What is his name? A There he is. His right name is Okey Drew.
Q That is his right name is it? A Yes, sir.
Q Did you ever know him by any other name? A No more than he called himself Calvin Anderson.

Q When was the first time you ever heard him call himself Calvin Andersen? A About sixteen years ago.

Q Were you here during the war? A Yes, sir, but I don't remember.

Q Were you here shortly after the war? A Yes, sir.

Q Were you here, in the Creek Nation, at the time the Dunn Roll was made? A Yes, sir, I lived across the river.

Q Did you see this man here at that time? A He was down on Elk Creek, staying with Mrs. Drew.

Q At the time the Dunn Roll was made? A Yes, sir.

Q Did you see him? A No, sir, I did not see him but he was there.

Q How do you know he was there? A Because he was an uncle of mine.

Q He could be your uncle if he was in Montana, couldn't he? A Yes, sir.

Q You heard he was here? A Yes, sir, he was here.

Q How do you know that he was in the Creek Nation, on Elk Creek, shortly after the war, at the time the Dunn Roll was made? A Just heard it.

Q What time did he come back? A Christmas.

Q What year? A I can't tell. I am trying to tell you what is true.

Q Are you well enough acquainted with that man standing there (indicating the applicant) to state that his name is Okey Drew? A Yes, sir.

Q Are you well enough acquainted with him to state that he was a slave? A Yes, sir. He was a slave of Lila Drew.

Q When was the first time you remember of seeing him to know him? A All my days I knew him.

Q You said awhile ago you didn't know anything about the war? A Yes, sir.

Q You were too young to know much about him at that time? A No, sir, I have known him all my life.

Q Did you know him during the war? A I couldn't say that.

Q How long after the war, to the best of your recollection, before you knew this applicant? A I couldn't tell you, I was too small. I don't remember anything about the war.

Q If you can't remember anything like the Civil War, I don't suppose you can remember a man can you? A Yes, sir.

Q When did you first get acquainted with him? A I was small when I first got acquainted with him.

Q Was it after the war? A Yes, sir.

Q How long after the war before you first got acquainted with him? A I couldn't tell you. I know the soldiers were all over at Ft. Gibson at the time.

Q You stated awhile ago that at the time of the Dunn Payment this man was down on Elk Creek? A Yes, sir.

Q You only knew that from hearsay? A His mother was my grandmother. She told him that he better go on up to the agency and be enrolled and he went off and said he was going to carry Mrs. Drew's hogs down there. He was down on Elk Creek.

Q This Viney Drew you spoke of, was she a Creek citizen? A Yes, sir.

Q Were you owned by a Creek citizen? A Yes, sir.

Q What was your owner's name? A Lila Drew.

Q Was she any kin to the one who owned this man? A Yes, sir, we were all owned by the Drews.

Q You don't know very much as to the residence of this man shortly after the war? A No, sir. He was on Elk Creek, where he said.

Q You know that by what you heard? A Yes, sir, and by him coming up Christmas.

BY MR. JONES:

Q State whether you can recollect the time you were set free after the war. How long after the war was over was it that you were set free? A Yes, sir, I can recollect that.

Q How long was it when you were set free? A I couldn't tell you how long it was.

Q You remember when you were set free don't you? A No more than what I heard the old people say. They said we were set free.
Q You remember that? A Yes, sir.
Q How long was it after you heard that before you saw Okey Drew? A He was there when this was made. They all had a big dinner.
Q What did they have the big dinner for? A Celebration'-----the fourth of August.
Q You say Okey was there at the celebration? A Yes, sir.
Q About how often after that did you see Okey? A I seen him all along till about two years he stayed down here on Elk Creek.
Q That was after the celebration you speak of? A Yes, sir.
Q The celebration you mention was that in justification of your freedom? A Yes, sir.
Q How long was it after this celebration you mention that the Dunn Payment was made? About how long? A I couldn't tell you. I I tell you how many years I tell you a story.
Q You can remember when the payment was made over there? A Yes, sir, but how long or how many years, I can't tell you.
Q Okey was there then? A I can't know whether he was up there or not. His mother tried to get him to go and he said he had to carry Mrs. Drew's hogs down on Elk Creek.

BY MR. EKLICK:

Q What did you say your name was? A Ella McIntosh.
Q What was your husband's name? A Bob McIntosh.
Q Was he the witness who just testified? A Yes, sir.
Q How long have you been married? A About sixteen years I guess.
Q When did you say was the first time you saw this man you call Okey Drew? A The first time I saw him was when I was big enough to recollect myself.
Q Was that before or after the war? A I can't tell you wither it was before the war--it must have been during the war.
Q Was it before or during that Dunn Payment? A The Dunn Payment was after the war.
Q Had you ever seen this man before that Dunn Payment? A Yes, sir.
Q Is that the payment in 1867, you have reference to or was it the payment since you were married. Were you married when the Dunn Payment was made? A No, sir.
Q Were you grown? A No, sir. I drew money twice myself since I been married. I was married when this \$29.00 was paid out and the \$14.40, but the other my parents drew for me.
Q How many times have you seen this man since then? A I saw him often except, as I tell you, the two year he was on Elk Creek.
Q If you saw him often your husband saw him too? A I wasn't married to my husband then.

Attorney for applicant objects to the form of the question as misleading.

Q Have you and your husband lived together ever since you were married? A Yes, sir.
Q You have never been married to any man but Bob McIntosh? A No, sir, but I lived with a man before I was married to Bob.
Q You have lived with him ever since you were married? A Yes, sir.
Q Has this man, Okey Drew, been to your house frequently since you were married? A Yes, sir.
Q Was Bob at home when this man would come there? A Yes, sir.
Q He was there frequently when this man came there? A Yes, sir.

I, D. C. Skages, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 23 day of Jan 1906.

D. C. Skages
J. H. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, January 25, 1906.

In the matter of the application for the enrollment of
Calvin Anderson.

APPEARANCES: Cornelius J. Jones atty. for applicant.
Merritt Halick, atty. for Creek Nation.

CAROLINE RENTIE, being duly sworn, testified as follows:

BY COMMISSIONER:

Q What is your name? A Caroline Rentie.
Q What is your age? A I couldn't tell. I was born before the dark days. Some people say I am 103. (Appears to be about 70)
Q What is your post office address? A Muskegee.
Q Where were you born? A I was with these Indians before they started to come here, way back in Georgia. When I came to my senses to have an understanding I was with them.
Q Were you here in the Creek Nation before the War? A Yes, sir.
Q Were you here during the Civil War? A I was here until the Indians got to fighting one another.
Q Was that during the Civil War? A Yes, sir. Old Gouge was fighting, I was here. Some went north some went south.
Q Which way did you go? A I went south. The war was going on two years, then the Indians split and we had to go south.
Q Did you come back before the war was over? A No, I didn't come back till seven or eight years after, while the people I belonged to stayed then we came.
Q How long was the war over when you came back? A The war was over seven years and may be a little more when I came back.
Q You remember when the negroes were freed? A Yes, sir, I was in Texas.
Q How long were they free before you came back to the Creek Nation? A I don't think we stayed there more than seven years as far as I recollect.
Q Do you know this old man that was in here? A Okay why I raised him. I knew his father.
Q Do you know that this is the same man? A Yes, they called him Okay, they called him Calvin, Okay was just a nickname.
Q Okay what? A Calvin Drew is his name.
Q Did you ever know him to be called Calvin Anderson? A I know his father; his father was named Anderson. We all lived on the same plantation.
Q Was he a slave? A Yes, sir.
Q Do you know the name of his owner? A I knew him well. John [unclear] was Okay's owner father's owner.
Q Who was Okay's owner? A Lila Drew.
Q Was she a citizen of the Creek Nation? A Yes, sir.
Q Was Okay Drew in the Creek Nation at the close of the War?
A I wasn't here when he came. When they all left Texas he left too.
Q Was that the time you left? A No, sir.

Q Then you don't know what time Okay Drew came back to the Creek Nation? A No, sir for they all came before I did.
Q Were you in the Creek Nation in 1866 or 1867 at the time of the Dunn Roll? A I wasn't here at the time of the Dunn roll.
Q You don't know whether Okay Drew was here? A I don't know but they came as quick as they heard of it and Okay Drew came.
Q You don't know of your own knowledge? A No, sir I can't say but he left Texas before I did.

BY ATTY. JONES.

Q You have your allotment as a Creek freedman have you? A Yes sir I had no trouble. When I came they said if I wasn't a citizen there wasn't any.
Q You left after Okay left Texas? A Yes, sir.

OKAY DREW, being duly sworn, testified as follows:

BY COMMISSIONER.

Q What is your name? A Okay Drew.
Q Have you been known by any other name? A Yes, sir but they always called me Okay.
Q You have given in your name other than Okay Drew; were you ever known as Calvin Anderson? A Yes, sir. That was count of my father but I made a mistake and didn't give the right one.
Q How old are you? A I can't tell exactly.
Q Were you born before the Civil War? A Yes, sir.
Q How old were you when that war broke out? A I don't really know Old man Solomon would know but he is dead, he told me how old I am but I forget—I am close onto—I don't know.
Q Do you remember the war between the North and South? A Yes, sir I remember that.
Q Were you here during the war, in the Creek Nation? A Shortly since after the war.
Q What year did you come back here? I came back.
Q Did you leave this country during the war and go South? A I was there before the war.
Q Were you there during the war? A Yes, sir.
Q How long after the war closed before you came back to the Creek Nation? A About a year before I came back.
Q Do you remember hearing of the Dunn roll payment? A Yes, sir I remember but I had went back to my folks and I never staid.
Q Were you in the Creek Nation when the Dunn roll was being made? A I was here but I couldn't tell what they was doing. I never paid any attention to that.
Q Do you remember when the blacks were freed? A Yes, sir.
Q Were you in the Creek Nation then? A No, sir, I was in Texas.
Q How long before you came back to the Creek Nation? A I don't think it was two years before I came back.
Q How old were you when the black people were freed? A About 16 I reckon.
Q Were you in the Creek Nation at the time the Dunn roll payment was being made? A Yes, sir I was here at that time but I didn't stay.
Q You didn't see that money did you? A My uncle told me he received it for me. I had to go back.
Q Weren't you here then during that payment? A Yes, sir.
Q You just said you had to go back? A I went back and came again.

BY ATTY. JONES.

- Q Do you remember the first time the colored people celebrated their freedom in the Indian Territory? A Yes, sir.
 Q When was that celebration held? A Close by the Old Agency.
 Q State whether you were present at that time or not in the Creek Nation? A Yes, sir I was present.
 Q Have you resided here continuously since that? A Yes, sir.
 Q How long after you were declared free was it before they had that celebration? A I couldn't tell.
 Q How long had you been back in the Creek Nation before that celebration was held? A I couldn't tell.
 Q I mean how long had you been back from Texas before that celebration took place? A About 3 or 4 years I think.
 Q You don't know very much about dates do you? A No, sir.
 Q Have you any idea how long it has been since you made your application here for citizenship rights, about how many years has that been? A About nine years.
 Q You do remember making your application for citizenship? A Yes, sir.
 Q Do you remember Ella McIntosh? A Yes, sir.
 Q Do you know Bob McIntosh? A Yes, sir.
 Q Do you know Caroline Rennie? A I know her well; she almost raised me.
 Q Did you live near her when she was in Texas before the war? A Lived with her.
 Q How long had you all been free before you left Texas? A I think about two years, one year or somewhere along there.
 Q Did you leave before or after she did? A Before she did.
 Q Came in the Creek Nation before she left Texas? A Yes, sir.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me
 this 25 day of January 1906.

J. M. Dermott
 Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 31, 1906.

In the matter of the application for the enrollment of
Calvin Anderson as a Creek freedman.

APPEARANCES: Cornelius J. Jones atty. for applicant.
Merritt Eslick atty. for Creek Nation.

TOBE McINTOSH, being duly sworn testified as follows:

- Q What is your name? A Tobe McIntosh.
Q What is your age? A Going on 70 I guess.
Q What is your post office address? A Muskogee.

ATTY. for applicant.

- Q How long have you lived in the Creek Nation? A All my life time after I came from Alabama.
Q Do you know when the negroes had the first celebration of their freedom after the war? A Yes, I was there.
Q Where was it at? A At Old Agency.
Q What year was that? A 1866.
Q What time of the year was it? A I couldn't tell you; if I don't make a mistake I think we had it in August. That was the first one we had.
Q What was the purpose of that celebration? We had that celebration to celebrate the enjoyment of our freedom.
Q Immediately after their emancipation? A Yes, sir.

ISLAND RENTIE, being duly sworn, testified as follows:

- Q What is your name? A Island Rentie.
Q What is your age? A 43
Q What is your post office address? A Muskogee.

ATTY. for applicant.

- Q How long have you lived in the Indian Territory? A All my life but about ten years.
Q Was that the first ten years? A Yes, I was born here and carried away a baby.
Q When did you return? A That's in the statute of the law on page 100, I think in the year '67.
Q Do you know what time of the year that was? A Fall of '67.
Q State whether there had been a celebration of the negroes of their freedom prior to the time of your coming here? A I don't know anything concerning the celebration. I knew that where we came from this individual, you called his name, he came about four years before we did.
Q What was his name? A Okay Drew. He was adopted by the council.

Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you received your deed? A Yes, sir.
Q Do you know this man who calls himself Calvin Anderson? A No, sir
never know any one by the name of Calvin Anderson.
Q He is the applicant in this case, he calls his name Okay Drew
do you know a man named Okay Drew? A Yes, sir.
Q When did you first see him? A When he was quite a small boy,
he lived on the place where I lived in Jefferson, Texas..
Q And then he left Texas four years before you did. A Yes, sir
Q When did you leave Texas? A In the year--fall of '67 as near as
I can recollect or '68.
Q If you left Texas in '68 and he left four years before, he left
in '64? A I can't tell; the law book tells what time we came.
Q Do you know whether this man who now calls himself Okay Drew
was in the Creek Nation in '66 or '67? I don't know that be I know
he says he came here.
Q You never saw this man who calls himself Okay Drew in the Creek
Nation in, 1866 or 67 did you? A No, sir.

ATTY. for applicant.

Q Do you know the first celebration the colored people had here
after they were emancipated? A No, sir, I don't know I was too
young. He stated he came here with old man Drew that's all I know
I haven't seen him ever ten times in the nation.
Q You know him when you see him? A Yes, sir.
Q When did you see him lately? A About two weeks ago.
Q Did you know his father and mother who they were. A I knew his
father--old man Tatan they called him.
Q Did you know his mother? A No, sir
Q Where was this man Okay Drew was he in the nation? A I can't
certify the fact but that's what they say.
Q How long was it from what you learn of his birth in this country
before you saw him? A My mother told me he was born in this
country.
Q Your information is derived from your mother? A Yes, sir.
Q Was his mother a native? A Caroline McIntosh; she's on the book.
Q Was your father a native? A Yes, sir.
Q And your information about Okay Drew is simply traditional was
brought down from your father and mother, is that right? A That's
all.

COMMISSIONER.

Q When was the first time you ever saw this man who calls himself
Okay Drew in the Creek Nation? A It was here along after that
\$29. payment,
Q Was that the first time you saw him in the Creek Nation?
A That's the first time after he left Texas
Q The first time you ever saw him in the Creek Nation was after
the \$29. payment in '90? A Yes, sir.

ATTY. for applicant.

Q When was the first time you ever heard Okay Drew discussed by
your parents, how early was that? A That was early in my life;
I was about ten years old I guess.
Q Where was that discussed between your parents in the Creek Nation?
A In the Creek Nation.
Q As a traditional matter of information you heard it then? A Yes

Q Are you any kin to Olney Brew? A No, sir.
Q You had no interest in taxing your mind with references to him at all? A No, sir.
Q But in a casual way you saw him occasionally? A Yes, sir.
Q Did you Brew come before it was said with Olney Brew. Robert Brew was my cousin.
Q Was he related to Olney? A I don't know.

I, Anna Garrigue, do oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigue

Subscribed and sworn to before me this
1 day of February 1906.

Thomas Colkugger
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Calvin Anderson as a citizen of the Creek Nation.

DECISION

The record in this case shows that on April 2, 1901 Calvin Anderson appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen of the Creek Nation, that on May 1, 1901 a decision, adverse to the applicant, was rendered by said Commission, which said decision was affirmed by the Department December 11, 1901, and that under date of December 22, 1905 the Department granted motion to reopen filed August 17, 1905, rescinding its decision of December 11, 1901 and remanded said case for readjudication. Further proceedings were had January 20, January 25 and January 31, 1906.

Copy of transcript of testimony taken June 18, 1906 in the matter of the application for enrollment of Calvin Drew, who as appears from the evidence is the same person as Calvin Anderson, is attached to and made part of the record herein.

The evidence shows that Calvin Anderson is also known under the names of Calvin Drew and Okey Drew, that he was born prior to the Civil war and the greater portion of his life has been a resident of the State of Texas.

It does not appear from the evidence or from the records in the possession of this office that the applicant, under any of the names above mentioned, is identified upon the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867; that he has ever been enrolled as a citizen of the Creek Nation, or that he has ever been admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

The Act of Congress approved April 26, 1906 (34 Stat., 157) provides in part as follows:

"That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born

since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Assistant Attorney General in an approved opinion dated May 31, 1906 in the matter of the application of Prissie Carruthers for enrollment as a Creek freedman states: "Congress has now made the Dunn Roll final and conclusive as to all applicants of this class, whose enrollment has not been approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commissioner that, in view of the facts in the case and of the provision of law and approved opinion of the Assistant Attorney General above referred to, said Calvin Anderson (or Calvin Drew or Okey Drew) is not entitled to enrollment as a Creek freedman, and that the application for his enrollment as such should be denied, and it is so ordered.



COMMISSIONER.

Muskogee, Indian Territory,

DEC 29 1906

INDEXED

COMMISSIONER TO THE

No.

Received

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1905

AUG 17 1905

Jones, Cornelius J.,
Muskogee, I.T.,
Aug. 16, 1905.

Transmits application for
reopening Creek Freedman case
of Okey Brew or Calvin
Anderson.

CREEK FREEDMAN CASE

other facts stated as to the health of the witnesses and their age.

Sworn to and subscribed this the 22nd day of Jan. 1908.

Cornelius J. Jones
Attorney

Lenna L. Langan
Notary public.

My Commission expires on the 7th day of Oct. 1907.

#1002

Affidavit in support of the
application for postponement of
hearing before the Com. to the Five
Tribes in the Matter of the re-
hearing granted Calvin Anderson,
alias Okey Drew, Creek Freedman.

United States of America

Western District of the Indian territory , Muskogee.

This day personally appeared before me the undersigned a notary public in and for said district , Cornelius J. Jones an attorney of record before the commissioner to the five civilized tribes , appearing for and on behalf of Calvin Anderson alias Okey Drew Creek applicant for enrollment as a freedman , and being first duly sworn deposes and says that said hearing was continued by the commissioner from the 18th Jan¹⁸⁹⁶ to the 22nd Jan¹⁹⁰⁶ at the request of the attorney for said applicant , because of the sickness of two of his witnesses, and himself also (applicant) . That on this the 22nd/ day of January aforesaid there is at the making of this affidavit , and many hours prior thereto , an unprecedented snow storm has been , and is at present sweeping over this whole section of the Indian territory, and that said applicant lives many miles from the office of the commission, and applicant being a very old man, and further that the witnesses desired have been suffering with pneumonia and likewise very old, and the further fact that the roads from the home of the applicant to the office of the commission are absolutely impassable owing to the severe snow storm, and from these facts and conditions the affiant herein is informed that the applicant can not get to the office of the Hon. Commissioner to conclude the hearing in this matter of his enrollment as prayed for ; and that affiant being the attorney for said applicant having this day made application for a postponement of the hearing to a future day of suitable to the commission , said application for postponement is based on the above state of facts and conditions and that this affidavit is made in formal support of the said application . Affiant further states that the application for postponement is not made for any delay or hinderance of the ordinary method of procedure before said commission, but for the necessary delay occasioned by no fault of applicant his attorney, nor any of the witnesses; but this application for postponement is for only such reasonable time as the roads may become passable to be reasonably judged by a prudent mind . Affiant makes this affidavit to operate as a renewal and supplement of the request made in the said matter before the said commission, and pray that the commission will at least grant him three days from the 22nd aforesaid . Affiant further states that the state of facts alleged in the foregoing affidavit are true and correct as alleged to the best of his knowledge as to the facts, and on information and belief as to the

To the Hon. The Commission to the five civilized tribes , Muskogee I.T..
Under and by virtue of the rules governing the subject of re-opening
of applications for taking additional testimony in the matter of applica-
tions for enrollment as Creek Freedmen, I kindly submit this applica-
tion to the Hon. Secretary of the Interior , with necessary affidavits
supporting the application of Okey Drew or Calvin Anderson , passed on
by your commission in May 1901 as shown by correspondence, and I do
respectfully ask that the same be through your Honorable commission trans-
mitted to the Hon. Secretary of the Interior , as such is the advice
given by that department with regard to this application. And, if mistake
in the manner of seeking the desired relief, I kindly ask your commission
to render such relief in the premises as may be found consistent.

Cornelius Jones
Attorney for applicant.

Memo 28

United States of America

Western District of the

Indian Territory----- Personally appeared before me the undersigned a notary public in and for said district Ella McIntosh Robert McIntosh, Lucy Smith and-; all being by me first duly sworn depose and say, that they have known Calvin Anderson alias Okey Drew for many years; that said Drew was born in the Creek Nation Indian territory long before the war of the rebellion, was in the Creek Nation in the year of 1866, and has ever remained a citizen freedman of the Ind.Ter? in said Creek Nation. That his parents were Creek Freedmen and said Okey Drew or Calvin Anderson is one and the same person; that he is a Creek freedman by birth and residence, and has never forfeited his right as such by fact of location and residence. That affiants are Creek freedmen and on the rolls as such Creek freedmen, and have no interest in the application of said Calvin Anderson or Okey Drew, further than to state the facts as they exist as relate to his identity as such Creek Freedman. That said Calvin Anderson or Okey Drew is on the Dunn roll of Creek freedman, and he has drawn loyal Creek money as heir to his parents Vina and Andrew Shells; the name Shells being the name of the master of said father at the close of the war. That affiants were ready and willing to make this proffer said Okey Drew at the time of his application in the year 1901, but was not called on for the purpose owing to the fact that affiants were informed by said applicant at the time, that the Commission to the five civilized tribes advised him that his testimony was sufficient. That affiants make their affidavit of the foregoing facts from the best of their knowledge and belief.

Witness to marks
L.L.Lanigan
C.J.Jones

Ella McIntosh
Robert McIntosh
Lucy Smith

Subscribed and sworn to before me this 12th day of August 1908

Lenna L.Lanigan
Notary Public

My Commission expires on the 7th day of Oct 1907

United States of America
Western District of the
Indian Territory, Muskogee

Personally appeared before me the undersigned a notary public in and for said district, Okay Drew or Calvin Anderson, who being first duly sworn deposes and says; that he is the identical Okay Drew or Calvin Anderson who made application for enrollment as a Creek Freedman on the 1st day of May 1901 before the Commission to the Five Civilized Tribes, and that he is the heir of Andrew Shells who was the slave of John Shells of the Creek Nation, and as such received a share of the loyal Creek payment had by the recent order of the interior department, and that all the facts alleged in the foregoing application are true and correct as stated to the best of his knowledge.

Witness
Cernellius J. Jones
Muskogee, I.T.

^{Li}
Okay Drew or
Calvin Anderson

Sworn to and subscribed to this 28th day of June 1905

Lenna L. Lanigan
Notary Public

My commission expires on the 7th day of Oct. 1907

Western District, Ind. Terr.
Creek Nation.

I, Pleasant Porter, Principal Chief of the Creek Nation, do on this 14th day of August 1905, in the city of Muskogee, Ind. Terr. accept service of the within petition.

United States of America

Western District of the Indian territory.

Personally appeared before me the undersigned a notary public in and for said district at Muskogee, I.T. Archie V. Jones; who this day being by me duly sworn deposes and says that he delivered a true copy of the foregoing application to P. Porter principal chief of the Creek Nation of Indian territory on the 14th day of August 1905 at or about 5 P.M. oclock on said day.

Sworn to and subscribed this the 15th day of Aug 1905

My commission expires 10-7-1905

Archie V. Jones
Lenna L. Lanigan, notary Public

To the Hon. Commission to the five civilized tribes, Muskogee
I.T. Under and by virtue of the rules governing the subject
of reopening of applications for taking additional testimony
in the matter of applications for enrollment as Creek freedmen,
I kindly submit this application to the Hon. Secretary of the
Interior, with necessary affidavits supporting the application
of Okey Drew or Calvin Anderson, passed on by your commission in
May 1901 as shown by correspondence, and I do respectfully ask
that the same be through your Honorable commission transmitted
to the Hon. Secretary of the Interior, as such is the advice
given by that department with regard to this application. And,
if mistaken in the manner of seeking the desired relief, I kindly
ask your commission to render such relief in the premises as may
be found consistent.

(signed) Cornelius J. Jones
Attorney for Applicant.

Application of Okey Drew as Calvin Anderson Creek Freedman,
for reopening of his case.

To the Hon. Secretary of the Interior:

This application respectfully shows that Okey Drew as Calvin Anderson, whose case was decided adversely by the Hon. The Commission to the Five Civilized Tribes on the 187 day of May 1901, and approved by your department on the 11th day of Sept. 1901, be reopened and the applicant be allowed opportunity to make necessary proof. Your applicant would respectfully show unto your Hon. that his father was the slave of John Shell of the Creek Nation and his father went by the name Andrew Shell of his master John Shell; and that as such Creek Freedman he was entitled to part of the money for the Creek loyal payment had last year, and as such he your applicant Okey Drew as his heir at law received his share of the money due his deceased father and your applicant has a number of other evidences of his identity, and eligibility as a Creek freedman. Your applicant will state that when he went to the commission on the day in May 27th 1901 he did not go with the expectation to be examined on that day, but merely to get some information as to what was required of him as such applicant; and that he had no witnesses with him and so informed the clerk of the division at the time; was upon being informed by the clerk of said division that he would not be required to get any other witnesses, he was misled, and therefore attempted to make application and the case was closed without his having any opportunity of furnishing other testimony as to his identity as a Creek freedman. Your applicant had no attorney to represent him at said hearing, and was wholly misled by the representations of the clerk of the division aforesaid, and that he has plenty of witnesses, and that he received his father's share of the Creek loyal payment, and other proof of his identity, and pray that the case be opened for the purpose of applicant furnishing the necessary proof for his

enrollment. Your applicant is on the Dunn roll, and other tribal records, and if he is given an opportunity, he can convince the commission and your Honor, that he is a bonafide Creek Freedman, and should be enrolled. Hoping that this humble appeal for the exercise of the just discretion left to you will be equitable extended in his behalf, and the relief asked be granted.

Obediently Yours,

^{his}
Okay, Drew or
^{may}
Calvin Anderson

Witness

Cornelius J. Jones

Muskogee I.T. Atty

OATH.

SECTION 3473. Any person prosecuting claims, either as attorney or on his own account, before any of the Departments or Bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States, as required of persons in the civil service.—Revised Statutes U. S.

I, Cornelius J. Jones

do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; So help me God.

Cornelius J. Jones
Muskogee
27

(Give P. O. address in full.)

Sworn to and subscribed before me this 12th
 day of August, A. D. 1907

Lenna L. Langdon
My Commission expires 10-7-1907

Muskegee, Indian Territory, May 2, 1901.

Calvin Andersen,

Muskegee, Indian Territory.

Dear Sir:

There is enclosed you herewith, copy of the decision of the Commission refusing your application for enrollment as a citizen of the Creek Nation under the act of Congress of May 31st, 1900.

In the event that you desire to have this case presented to the Honorable Secretary of the Interior you may so advise the Commission in writing and the same will be forwarded with the memoranda in the case in due course.

Respectfully,

Acting Chairman.

Enc 4

Muskogee, Indian Territory, May 7, 1901.

The Commission,
to the Five Civilized Tribes.

Gentlemen:

You are hereby advised that I desire that the application made by me on April 2nd, 1901, for the enrollment of myself and those represented by me, which was denied by the Commission on May 1st, 1901, be submitted to the Secretary of the Interior for his consideration.

Respectfully,

Calvin E. Anderson
mark

Witness to mark
W. A. Ayersworth
Wm. Elbraith

COPY
Refer in reply to the following:
Land.
24274 -1901.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington,

August 2, 1901.

The Honorable,

The Secretary of the Interior.

Sir:

I forward herewith for your consideration, memorandum of the Commission to the Five Civilized Tribes in the matter of the application of Calvin Anderson for enrollment as a citizen of the Creek nation, which was refused on a hearing by the commission, and this memorandum is before the office for review.

In his examination, the applicant, who is evidently a very ignorant man, claims to have received knautities through his father, and to have been enrolled by the various agencies, and then admits that he does not know what they are or were, but declares that his parents and more remote ancestors were regularly recognized and enrolled as citizens of the nation. The commission stated that his name does not appear on any of the rolls of the Creek nation, and that being shown, it has no authority to grant his application and he is refused.

The law governing the enrollment of Creek citizens is found in the Creek agreement (31 Stats., 862), and was fully set out in the report of this office in the case of Rachel James, et al., dated July 24, 1901.

While it would like as though this might be a case of a deserving party being deprived of his rights, through his own neglect, possibly through his ignorance, yet the law is positive and

L.R.B.

COPI

50226

DEPARTMENT OF THE INTERIOR,

Washington, September 11, 1901.

I.R.B. 3331-1901

The
Commission to the Five Civilized Tribes,
Muskogee, Ia. T.

Gentlemen:

On August 2, 1901, The Commissioner of Indian Affairs transmitted your memorandum in the matter of the application of Calvin Anderson for enrollment as a citizen of the Creek Nation, and recommended that your decision in this case be approved.

You refused the application because the applicant is not duly and lawfully enrolled or admitted as a citizen of said nation.

The Department affirms your decision, and you will so advise the applicant. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thom Ryan

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, October 5, 1901.

Calvin Anderson,

Muskogee, Indian Territory.

Dear Sir:

On April 2, 1901, you made application to this Commission for enrollment as a citizen of the Creek Nation. The testimony taken in support of your said application showed conclusively that you had never been a recognized citizen of said nation and duly and lawfully enrolled or admitted as such, and by letter, dated May 2, 1901, enclosing a copy of the decision of the Commission, you were notified that your application, as aforesaid, had been refused in accordance with the provisions of the Act of Congress of May 31, 1900, which are, as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

On May 2, 1901, the decision of your application was reported to the Secretary of the Interior for his consideration.

The Secretary is now in receipt of a letter from the Secretary of the Interior, dated September 11, 1901, in which he

states that he has approved the judgment of the Commission in your case and refused the application for your surveillance as a citizen of the United States.

Yours truly,

Acting Chairman

Mon. 28

Muskogee, Indian Territory, August 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

August 17, 1906, Cornelius J. Jones delivered to this office for transmission to the Department, notice of Calvin Anderson alias Okay Drew to reopen the matter of the application for his enrollment as a citizen of the Creek Nation.

The records of this office show that on May 1, 1901, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of said Calvin Anderson as a citizen of the Creek Nation and that on September 11, 1901, the Department affirmed said decision.

It appears from the evidence in said case that said Calvin Anderson has never been enrolled by the tribal authorities of the Creek Nation, that he has never been admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory.

✓

-2-

The roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867 has been carefully examined and the names Calvin Anderson, Gray Brew and Andrew Shells, or any of them, do not appear therein.

The matter is herewith transmitted for Departmental consideration.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

AG-22

Mem. 28
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JP

LLB

September 29, 1905.

I.T.D.12474-1905
LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion to reopen the Creek enrollment case of Calvin Anderson, alias Okey Drew, received with your letter of August 21, 1905, is inclosed, to be returned to the party filing it, as it bears no evidence of service upon the attorney for the Creek Nation. Some of these papers were heretofore before the Department and on July 11, 1905, Cornelius J. Jones, of Muskogee Ind. T. was advised of the manner in which motions for rehearing should be made, and he was told that such motions and accompanying affidavits should be served upon the attorney for the Creek Nation.

The papers now submitted appear to have been served upon the Principal Chief of the Creek Nation.

You will advise Jones that the oath of allegiance submitted with these papers should be transmitted to the Department in connection with an application for admission to practice before the Department, in accordance with the regulations sent him June 11, 1905, and not be filed with the papers in the Anderson case.

Respectfully

Thos Ryan

Acting Secretary

Through the
Commissioner of Indian Affairs
1 inclosure (Land 67640-1905)

INDEXED

46651

Jones, Cornelius J.,
Muskogee, I.T.,
Oct. 10, 1908.

Encloses, for transmission
to Department, applica-
tion for reopening of
case of Okey Brew or
Calvin Anderson for
enrollment as Creek
Freedmen.

CREEK FREETMEN.

LAW OFFICES

Cornelius J. Jones

ADMITTED TO PRACTICE IN UNITED STATES SUPREME COURT, DISTRICTS AT WASHINGTON, D. C., AND COURTS OF CHIEF JUSTICE.

Muskegee, Ind. Ter. Oct. 10th, 1906

Commissioner to the five civilized tribes
Muskegee I.T.

Please find inclosed the application of Okey Drew, alias Calvin Anderson, wherein the attorney for the Creek Nation has personally acknowledged service of copy of said proceeding, and the same is hereby forwarded to your department for transmission to the Secretary of the Interior as per instruction from your office and the office of the secretary.

Very respectfully,

Cornelius J. Jones
Att'y

Memo. 28

Muskogee, Indian Territory, October 12, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

September 29, 1905 (I.T.D. 12474-1905), the Department returned to this office a motion filed by Cornelius J. Jones to reopen the Creek Enrollment case of Okey Drew alias Calvin Anderson, for the reason that said motion did not show service on the attorney for the Creek Nation.

The motion was returned to said Cornelius J. Jones, in accordance with the instructions of the Department, and was by him on October 12, 1905 again delivered, corrected in accordance with instructions, for transmission to the Department.

The motion is herewith enclosed for Departmental consideration.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

AS-XI

Cr 1-422

Muskogee, Indian Territory, October 12, 1908.

United States Indian Agent.

Muskogee, Indian Territory.

Dear Sir:

In accordance with your verbal request for information relative to the family and the enrollment of Jennie Collins (deceased), you are advised as follows:

Jennie Collins was listed for enrollment on June 1, 1899 on Creek Indian card, field No. 422; that she is a full blood Creek Indian, and that her name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite No. 1367. It appears from the records of this Office that said Jennie Collins (deceased) was the minor child of Lewis Collins and Sophie Collins, and that she is a half sister, on the father's side, of Roman Collins. It further appears from the records of this Office that said Jennie Collins was two years old at the date of her enrollment, and that she was, on January 6, 1904, reported dead, but that proof of her death has not been obtained.

Respectfully.

Commissioner.

JP

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JHE

December 22, 1905.

I.T.D.3331-1901
13874-1905

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the approved opinion of the Assistant Attorney General of October 12, 1905, in the Creek enrollment case of Joe Harrison, a copy of which was sent you October 24, 1905, the motion to reopen the Creek enrollment case of Calvin Anderson, alias Okay Drew, received with your letter of October 12, 1905, is hereby granted, and the decision of the Department of September 11, 1901, affirming the decision of the Commission to the Five Civilized Tribes adverse to the applicant, is hereby rescinded.

The original record and the motion for review are inclosed, in order that a rehearing and readjudication may be had in the matter.

Respectfully,

Thos Ryan
First Assistant Secretary

Through the

Commissioner of Indian Affairs
2 inclosures

also new decision

Cr. En. 1003.

Muskogee, Indian Territory, December 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of December 22, 1906 (I.T.D. 13874-1906) granted motion to reopen filed with this office August 17, 1906 in the matter of the application for the enrollment of Calvin Anderson as a citizen of the Creek Nation, rescinding Departmental decision of December 11, 1901 affirming the decision of the Commission to the Five Civilized Tribes adverse to the applicant. As instructed said case was reopened, the parties in interest being duly notified, and testimony was taken in same on January 20, 25 and 31, 1906.

In remanding this case for readjudication, reference was made by the Department to the approved opinion of the Assistant Attorney General under date of October 12, 1906 in the Creek enrollment case of Joe Harrison, and the facts educed in the later proceedings had in this matter are in line with the points covered by said opinion.

The complete record in the case, together with motion

Secretary-2

to review filed therein and decision of Commissioner, is trans-
mitted herewith.

Very Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Enc. CH-8-1

Gr. No.
1003.

Muskogee, Indian Territory, December 21, 1906.

Calvin Anderson (alias Olney Drew),
Care of Cornelius J. Jones,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of your application for enrollment as a Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.

CM-31-1

Gr. En.
1003.

Muskogee, Indian Territory, December 31, 1906.

Cornelius J. Jones,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Calvin Anderson as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Inc. CM-31-2

Cr. En.
1003.

Muskogee, Indian Territory, December 31, 1906.

M. L. Mott,

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Calvin Anderson as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

CX-31-3

CRW
OK

DEPARTMENT OF THE INTERIOR,
WASHINGTON
February 25, 1907

I.T.D.4040 1907
LRS
Direct

Commissioner to the Five Civilized Tribes
Muskogee, Indian Territory.

Sir:

December 22, 1905, the Department granted a motion to reopen to Creek citizenship case of Calvin Anderson and recinded its action of December 11, 1901, affirming the decision of the Commission to the Five Civilized Tribes adverse to the applicant.

February 18, 1907, the Indian Office transmitted the record, together with your decision of December 29, 1906, denying the application for his enrollment as a Creek Freedman.

The Indian Office concurs in your decision. The Department also concurs, and it is accordingly affirmed.

The papers in the case have been returned to the Indian Office for its files, together with a copy hereof.

Copy of Indian Office letter is enclosed.

Respectfully

Jesse E. Wilson
Assistant Secretary

1 inc and 2 inc for Ind Of

Refer in reply to the following:
Land 454-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
WASHINGTON February 18, 1907

The Honorable,

The Secretary of the Interior

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated December 29, 1906, enclosing the complete record, together with the motion to reopen, filed therein, and the decision of the Commissioner in the matter of the application for the enrollment of Calvin Anderson as a citizen of the Creek Nation.

Under date of December 22, 1905 (I.T.D. 13874-1905), the Department granted a motion to reopen, filed with the Commissioner on August 17, 1905, and rescinded its action of December 11, 1901, affirming the decision of the Commission to the Five Civilized Tribes adverse to the applicant, and instructed the Commissioner to reopen the case and take further testimony.

The Commissioner advised the applicant on January 3, 1906, as well as the attorney for the Creek Nation, that the rehearing had been set for January 18, 1906. Testimony was taken on January 20, 25 and 31, 1906. Evidence taken shows that Calvin Anderson, the applicant, is also known under the name of Calvin Drew and Okey Drew; that he was born prior to the Civil War, and that for the greater part of his life he had been a resident of the State of Texas. His name is not identified under any of the names under which he has gone on the roll of Creek freedmen by

J.W.Dunn prior to March 4, 1867, nor has he ever been enrolled as a citizen of the Creek Nation or admitted to citizenship in that Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory.

The Act of Congress approved April 26, 1906 (34 Stat L. 137), provides that the approved roll of Creek freedmen shall include only those persons whose names appear on the Dunn roll, and their descendants born since that roll was made and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of that roll.

The Office, therefore, is of the opinion that the decision of the Commissioner, dated December 29, 1906, denying the application for the enrollment of Calvin Anderson as a Creek freedman is correct and it is recommended that it be approved.

Very respectfully,

C F Larrabee
Acting Commissioner

EWE SD

Cr. En. 1003

Waskagee, Indian Territory, March 7, 1907.

Calvin Andersen (alias Okey Drew),
Care of Cornelius J. Jones,
Waskagee, Indian Territory.

Dear Sir:--

You are hereby advised that under date of February 25, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for your enrollment as a Creek freedman.

Respectfully,

Commissioner.

Cr. No. 1003

342
Muskogee, Indian Territory, March 9, 1907.

Cornelius J. Jones,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:--

You are hereby advised that under date of February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Calvin Anderson (alias Gray Iron), as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1004

CR EN 1004

✓

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Keokuk Falls, O. T., November 16, 1905.

In the matter of the application for the enrollment of Jemima Joseph as a citizen by blood of the Creek Nation.

CINDY FIFE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Cindy Fife. I was formerly known as Cindy Jacob and Cindy Joseph.
- Q How old are you? A I am over thirty.
- Q What is your post office address? A Little, I. T.
- Q Are you a citizen of the Creek Nation? A I am a Seminole. I belong to Mekasuka Band.
- Q Have you a child named Jemima Joseph? A yes, sir. The child is at her aunth now.
- Q Who is her father? A George Joseph.
- Q Was he a citizen of the Creek Nation? A yes, sir.
- Q To what town did he belong? A Tulwathlocco, or Hitchitee.
- Q Is he living? A No, sir, he is dead.
- Q When was Jemima born? A June 10, 1900.
- Q There are on file in the office of the Commissioner two affidavits executed by you. In one executed December 10, 1901, you state that the child was born June 10, 1900, and in the other, executed July 25, 1902, that the child was born June 15, 1900. Which of the two dates is correct? A The date given in the first affidavit is correct.
- Q Did you have a record to go by when you executed the affidavit? A No, sir, but I know the date is correct.
- Q If it should be found that your child, Jemima Joseph, is entitled to rights in either the Creek or Seminole Nation, in which nation do you elect to have her enrolled? A In the Creek Nation.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 4 day of Jan 1906.

[Signature]
Notary Public

Creek En. 1004.

I.S.N.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jemima Joseph, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on December 14, 1901, an affidavit was filed with the Commission to the Five Civilized Tribes in the matter of the birth of Gemima (or Jemima), infant daughter of George and Cindy Joseph, which said affidavit is considered in the nature of an application for her enrollment as a citizen of the Creek Nation; and that on July 23, 1902, a second affidavit in the matter of the birth of said child was filed with this office. Further proceedings were had November 16, 1905.

It appearing from the record herein that the correct name of the applicant is Jemima Joseph, further reference to said applicant in this decision will be made under said name.

It appears from the evidence in this case and from the records in the possession of this office that Cindy Joseph, the mother of said applicant is a duly enrolled citizen by blood of the Seminole Nation; that George Joseph, deceased, the father of Jemima Joseph, was a duly enrolled citizen of the Creek Nation, his name appearing upon a partial schedule of citizens by blood of said Nation, approved by the Secretary of the Interior March 28, 1902, opposite No. 8788.

The weight of evidence in this case shows that said applicant was born June 10, 1900, and was living on the date of the last proceedings herein.

The evidence further shows that on November 16, 1905, an election was made for the enrollment of said applicant as a citizen of the Creek Nation, under the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495) which reads as follows:

"... The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of land and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere...."

-2-

It is, therefore, ordered and adjudged that said
Jemima Joseph is entitled to be enrolled as a citizen by blood
of the Creek Nation, in accordance with the provisions of the
act of Congress approved March 1, 1901 (31 Stat., 861), and the
application for her enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory.

JUN 28 1906

COPY.

CCX
B. A. 183.

Muskogee, Indian Territory, November 23, 1903.

Cinda Joseph,

Keokuk Falls, Oklahoma Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the birth of your minor child, Jemima Joseph, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Creek BA-183.

Muskogee, Indian Territory, January 27, 1905.

George Joseph,

Keokuk Falls, Oklahoma Territory.

Dear Sir:

In the matter of the application for the enrollment of your minor child, Jemima Joseph, you are advised that the Commission desires further evidence in the case.

You are hereby notified to appear in person before the Commission, at its office in Muskogee, Indian Territory, with two witnesses, who know the date of the birth of said child, for the purpose of being examined under oath.

This matter should receive your prompt attention.

Respectfully,

Chairman.

Register.

Creek BA-183

Muskogee, Indian Territory, January 27, 1906.

Cinda Joseph,

Heokuk Falls, Oklahoma Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Jemima Joseph, you are advised that the Commission desires further evidence in the case.

You are hereby notified to appear in person before the Commission, at its office in Muskogee, Indian Territory, with two witnesses, who know the date of the birth of said child, for the purpose of being examined under oath.

This matter should receive your prompt attention.

Respectfully,

Chairman.

Register.

Muskogee, Indian Territory, June 23, 1906.

Commission to the Five Civilized Tribes,
Seminole Enrollment Division.

Gentlemen:

Receipt is acknowledged of your letter of June 20, 1906 (Sed. HB 82), in which you state that application has been made to the Commission for the enrollment as citizens of the Seminole Nation of Jemima and Willie Joseph, children of George and Cindy Joseph, and asking if application has been made for the enrollment of said children, or either of them, as citizens of the Creek Nation.

In reply you are advised that the records of the Commission have been examined and it appears that on December 14, 1901, application was made to the Commission for the enrollment of Jemima Joseph as a citizen of the Creek Nation, and that the date of her birth was given in said application as June 15, 1900. Said application is still pending before the Commission.

You are further advised that no application has been received for the enrollment of said Willie Joseph as a citizen of the Creek Nation.

Respectfully,

Chas. A. R. R.

WGA

REFER TO REPLY TO THE FOLLOWING:

B.A. 100

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Mustoge, Indian Territory, November 9, 1901.

Cinda Joseph,

Care George Joseph,

Little, Indian Territory.

Dear Madam:

There are on file at this office, affidavits executed by you in which it is stated that your minor child, Jemima Joseph, was born June 15, 1900, June 10, 1900 and November 18, 1901; it is stated that George Joseph, the father of said child, is a citizen of the Creek Nation and that you are a citizen of the Seminole Nation.

You are advised that this office requires the joint affidavit of yourself and your said husband, directing in which nation you desire to have said child enrolled.

You are further advised that in order to correct the discrepancies in dates, you should appear at once at this office, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

This matter should receive your prompt attention.

Respectfully,


Commissioner.

#1004 ✓
Sen. Y.B. 82.

Muskogee, Indian Territory, January 4, 1906.

Chief Clerk,

Seminole Enrollment Division,
Muskogee, Indian Territory.

Dear Sir:

Replying to your letter of December 29, 1905, relative to the application for the enrollment of Jemima Joseph, you are advised that an application for the enrollment of said Jemima Joseph as a citizen of the Creek Nation is pending, and that when final action is had in the same you will be duly notified.

Respectfully,

Commissioner.

Cr. No. 1004.

Muskogee, Indian Territory, June 29, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Janima Joseph, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to proceed against said decision, and if at the expiration of that time no such protest has been made, said Janima Joseph, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

LM-423.

Commissioner.

Cr. En. 1404.

1004

Muskogee, Indian Territory, December 15, 1906.

Clerk in Charge,

Seminole Enrollment Division.

Dear Sir:

You are advised that the name of Jemima Joseph, minor child of George Joseph, deceased, citizen of the Creek Nation, and of Cindy Joseph, citizen of the Seminole Nation, is contained in a partial schedule of citizens by blood of the Creek Nation, approved by the Secretary of the Interior December 7, 1906, opposite roll No. 10090.

Respectfully,

Commissioner.

90

REFER IN REPLY TO THE FOLLOWING:
Seri. HB-88

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 6, 1907.

Chief Clerk,

Creek Enrollment Division:

Dear Sir:-

You are hereby advised that the Commissioner to the Five Civilized Tribes on February 20, 1907, rendered his decision, dismissing the application for the enrollment of Jemima Joseph as a citizen of the Seminole Nation.

Respectfully,



Commissioner.

CR EN 1005

CR EN 1005

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, January 3, 1906.

In the matter of the application for the enrollment of Jimmie Lakey, deceased, as a citizen by blood of the Creek Nation.

Amos King being duly sworn testified as follows through Alex Posey, official interpreter.

- Q What is your name? A Amos King.
Q What is your age? A I am 56 and over.
Q What is your post office address? A Wetumka.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Did you know Jimmie Lakey? A Yes, sir.
Q He is dead is he not? A Yes, sir.
Q What was the name of his father? A Tommie Lakey.
Q Tommie or Tom? A Sometimes he was called Tommie Leachechie, just the same.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q Is he living? A No, sir.
Q When did he die? A He has been dead several years. He died after his child died.
Q What is the name of Thomas Lakey's father? A His father died long ago. I never knew his name.
Q To what Creek Indian town did Thomas Lakey belong? A Kialligee.
Q Do you know the names of any of his children besides this one? A He had a child named Waitie and one named John.
Q Waitie Thomas isn't dead? A Yes, sir.

Said Thomas Lakey is listed for enrollment on Creek Indian card 2383 with his children Waitie and John, opposite roll No. 7139. It appears from a notation on said card that proof has been filed showing that said Thomas Lakey died February 15, 1901.

- Q What was the name of the mother of Jimmie Lakey? A Mollie.
Q Do you know the name of her father? A Alex Bruner and he died many years ago.
Q Do you know the name of her mother? A Sille she is also dead.
Q Did Mollie belong to Kialligee town? A Yes, sir.

Said Mollie Lakey is identified on Creek Indian card No. 2640, opposite roll No. 7738 and from a notation on said card it appears that she died in October 1900.

- Q Is Mollie dead? A Yes, sir.
Q Do you know when she died? A Shortly after her child Jimmie died.
Q She died in the same year Jimmie died did she? A Yes, sir.
Q We have affidavits here executed by you in which you state that Thomas and Mollie Lakey had a child born January 1, 1899. Is that correct? A That is found to be correct because the date of his birth was fresh in my mind at the time I executed the affidavit.
Q You have January 1st is New Year don't you? A Yes, sir.
Q You are sure of the correctness of that day and year January 1st? A Yes, sir.

- Q Now the year 1899, are you sure of that? A Yes, sir.
Q That is seven years ago isn't it? A Yes, sir. I was then about 49.
Q Do you know what the Creek Indian card is and what people can get?

Q At the time the land office opened as you remember it was this child Jimmie living? A Yes, sir.
Q The father was also living? A Yes, sir.
Q And the mother? A Yes, sir.
Q How old was Jimmie when he died? A About a year or a little over.
Q We have here an affidavit executed by you in which it says that Jimmie died in the month of February 1900, about a year or a little over from the time of his birth, is that correct? A Yes, sir.
Q Do you know Sammudy King who executed an affidavit about the birth of this child at the same time you did? A Yes, sir.
Q Is he living? A Yes, sir.
Q What is his post office address? A Wetumka.
Q Do you know William Penn who executed an affidavit about the death of this child at the same time you did? A Yes, sir.
Q Is he living? A Yes, sir.
Q What is his post office address? A Wetumka.
Q You are positive then that Jimmie was born in January 1899 and died February 1900 the year following? A Yes, sir.
Q Do you know of any relative nearer than you, you say you are only a grand uncle and guardian of this child? A Waitie and John would probably be the nearest kin.
Q Are they living? A Yes, sir.
Q What is their post office address? A Wetumka. A I am the brother of the mother of Jimmie. The parents didn't know how to go about getting the child's rights is the reason I made application for it.
Q Was there a midwife present when the child was born? A There was no one present when the child was born except the father.
Q Do you know if they had a doctor when he died? A They didn't have one.
Q Do you know if there is any record of the date of the birth or death written down any where or on the grave? A No, sir no record was made.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 5 day of January 1906.

J. M. L. Derrault
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jimmie Lakey, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on September 7, 1901, there were filed with this office affidavits in the matter of the birth and death of Jimmie Lakey, which said affidavits are considered in the nature of an application for his enrollment as a citizen by blood of the Creek Nation.

It appears from the evidence herein and from the records in the possession of this office that Jimmie Lakey, deceased, was the child of Thomas and Mollie Lakey, both deceased, and that the names of Thomas Lakey and Mollie Lakey are contained in a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite Nos. 7139 and 7736, respectively.

The evidence further shows that said applicant was born January 1, 1899 and died in the month of February, 1900.

It is, therefore, ordered and adjudged that said Jimmie Lakey, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the act of Congress approved March 1, 1901 (31 Stats., 861), and the application for his enrollment as such is accordingly granted.

Muskogee, Indian Territory.

JUN 28 1906



Commissioner

62

IN RE
THE DEATH OF

Jimmy Lacey
a citizen of the
Acres

Nation.

Approved

1

Commissioner.

Pg 125-129
Father Co. Co. # 2383
Mother " " # 2640

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF LANDS.

FILED

Sept. 7, 1901

W. H. HALL
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Jimmie Laley
(Here insert name of deceased.)
 a citizen of the breck Nation, who formerly resided at or near
Wetumka, Ind. Ter., and died on the 1 day of February,
(Here insert name of post office.)
 1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northern

District.

I, Amos King, on oath state that I am 30
 years of age and a citizen, by Blood, of the breck Nation;
 that my post office address is Wetumka, Ind. Ter.; that I am
(Here insert name of post office.)
Grand Uncle & Guardian of Jimmie Laley
(State relationship, as: the father; an uncle; a cousin, etc.)
 who was a citizen, by Blood, of the breck Nation;
 and that said Jimmie Laley died on the 1 day of
(Here insert name of deceased.)
February, 1900

WITNESSES TO NAME:

Amos King(Must be Two
Witnesses.)

Subscribed and sworn to before me this

7 day of September, 1901.William I Martin

Notary Public.

AFFIDAVIT OF ACQUAINTANCE. and Amos King

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northern

District.

I, William Penn, on oath state that I am 30
 years of age, and a citizen, by Blood, of the breck Nation;
 that my post office address is Wetumka, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Jimmie Laley
(Here insert name of deceased.)
 who was a citizen, by Blood, of the breck Nation;
 and that said Jimmie Laley died on the 1 day of
(Here insert name of deceased.)
February, 1900

WITNESSES TO NAME:

Charles CochranWilliam & Penn
Martin(Must be Two
Witnesses.)W. F. Angell

Subscribed and sworn to before me this

7 day of September, 1901William I Martin

101

IN RE

Application for Enrollment of

INFANT CHILD

Jimmie Ledy

as a citizen of

breed

Nation

Approved, 190

Commissioner.

W. H. Ledy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Sept 7 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Jimmie Ladey, born on the 1 day of January, 1899
(Here insert name of child)
Name of Father: Tom Ladey, a citizen of the Creek Nation.
Name of Mother: Mollie Ladey, a citizen of the Creek Nation.
Wetumda L. J.

AFFIDAVIT OF ~~MOTHER~~ Grand Uncle & Guardian
of children of Mollie Ladey

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northom District.

I, Amos King, on oath state that I am 30
years of age and a citizen, by blood, of the Creek Nation;
that I am the lawful ~~wife~~ Uncle of Mollie Ladey, who is a citizen, by
blood, of the Creek Nation; that a male child was
Mollie Ladey born to her on the 1 day of January, 1899; that said child was
named Jimmie Ladey, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

Subscribed and sworn to before me this 7 day of September, 1901.
William J. Martin
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northom District.

I, Demundy King, 25 years of age, on oath state that I
attended on Mrs. Mollie Ladey, wife of Tom Ladey,
on the 1st day of January, 1899; that there was born to her on
said date a male child; that said child is now living and is said to have been
named Jimmie Ladey.

WITNESSES TO MARK:

(Must be Two)

Subscribed and sworn to before me this 7 day of September, 1901.
William J. Martin

COPY

CCX

B. A. 101.

Muskogee, Indian Territory, November 18, 1903.

Amos King,

Wetumka, Indian Territory.

Dear Sir:

There are on file with the Commission affidavits executed by you relative to the birth and death of Jimmie Lakey, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

The mother or father of said child, if living, and in the event that the parents are dead, an heir of said child is required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Cr.En.1005.

Muskogee, Indian Territory, June 29, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Jimmie Lakey, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Jimmie Lakey, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Enc.
LM-677.

Commissioner.

CR EN 1006

CR EN 1006

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 3, 1906.

In the matter of the alleged application for the enrollment of Adora Elizabeth Leidecker as a citizen of the Creek Nation.

Adora Elizabeth Leidecker being duly sworn testified as follows:

- Q What is your name? A Adora Elizabeth Leidecker.
Q How old are you? A Forty nine last October.
Q What is your post office address? A Cleveland, Oklahoma.
Q Do you claim to have made application for enrollment as a citizen of the Creek Nation? A Yes, sir.
Q At what time? A March 14, 1904.
Q How did you make this application? A By writing. I wrote the application and sent it in and then I came myself in person the coming November.
Q Did you mail this application yourself? A Yes, sir.
Q Where from? A Belpre, Ohio.
Q To whom did you send it? A The Dawes Commission. I don't know that it had any special name except Bigelow or something like that.
Q Don't you remember, you say you sent it yourself? A Yes, I mailed it myself.
Q That application you made when you wrote and directed it to the Dawes Commission, you didn't expect it to come without any address? A It came just the same.
Q How do you know? A We got the answer.
Q Have you it here? A Not here.
Q You are advised you should produce that answer it might give us some clue to your attempted application. We have nothing at all. If you had that letter it might show us something. You don't know what that said, that application do you, the substance of it? A It just said that I put in my application for myself and my eight children. I gave the names and the ages of all of them and my father's name and all such as it should be written. My father is enrolled.
Q But you didn't do anything from March 14, 1904 when you say you mailed that application until the following November? A I wrote the Commission several letters. I first appeared in person one year ago this last November.
Q What did that answer say as you remember from Mr. Dixby? A The answer read I was too late putting in but I wasn't for it didn't close until in September after I wrote in March.
Q Do you know the date of the letter you got from the Commission? A I think it was the 18th of March.
Q Was it addressed to Adora E. Leidecker? A No, sir I think it was addressed to Mrs. A.A. Leidecker.
Q Give the names and ages of your children? A Oldest, Frederic born in 1873, Frank born in 1875, Carl born in 1879, Aaron he is 22 now, Dora born in 1887 she is nineteen this coming March, Bismarck born 1890, fifteen last December: Ven Moltke born in 1892 and Ruth she's eight last May.
Q You are sure you included those children in your application? A Yes and my three grand children. Margaret and Hilton Leidecker and one is dead.
Q In which nation did you claim to be a citizen? A Creek.
Q How long have you made this claim? A All my life. Ever since I knew I was living.
Q In this application did you state that you were a citizen of the Creek Nation? A Yes, sir.
Q And in your letters about it did you state you were a citizen of the Creek Nation? A Yes, sir.

Q Did you state that you were a citizen of any other nation, isn't it a fact that you claim to be a citizen of the Catawba tribe of Indians? A My father was supposed to be a Catawba but was adopted by the Creek Nation.

Q Isn't it a fact that in your application and letters you claim to be a Catawbian? A No, sir I claim to be a Creek as my father was

Q I am asking you if it is not a fact that in your application and letters you made this claim, that you said nothing about being a Creek but stated you were a Catawba? A No, sir I said I was a Creek Indian. I think you will find it that way.

Q In what way do you claim to be a citizen of the Creek Nation?

A From my father. His name was Lebrance.

Q Is he living? A No, sir

Q Didn't he have a first name? A Yes, sir, Richard Lebrance .

Q Is he enrolled as a citizen of the Creek Nation? A Yes, sir.

Q When did you send in this application? A Two years this coming March.

Belpre, Ohio Mar 11, 1904.

Q I will read this letter " Govn Land Office of Muskogee, I.T.
Dear Sirs & Gentlemen:

I hope i'm not intruding by writing this letter of information which I desire at your hands. In 1872 eighteen hundred and seventy two I was married to my present wife at North Fork Mission now known on the map as Bufaula and my wifes father known as Richard Fisher or better known as Dick Fisher who is a half breed Indian or quarter breed Indian which I do not fully know at present the result of this union of marriage were eleven children born, eight of which are living also three grand children of which two are living. Now what I wish to know what rights have they if any in the Indian Ter any pamphet or law bearing upon the question would be thankfully received by me. I am a white man of course and if my children are entitled to anything it is my duty as a father to see to it hoping to hear from you and hoping to be excused if i'm intruding

I remain yours

A A Leidecker

Belpre Ohio Box 128

Q Isn't that the application you refer to? A No, sir.

Q In reply to that in letter book 347 of the Commission from March 11/16 1904 is found the following. (This is read)

Q In this letter it is stated your father was called Dick Fisher?

A That was because Mr. Fisher raised him but his name was Lebrance.

Q We have here a letter which I will read from Mrs. A.A. Leidecker on April 14, 1904 as follows: Belpre Ohio Apr 14, 1904

Dear sir: would like you to enform me if there are any indian tribe by name of the Catawba or Catawba if so have they a nation of there selves or are they in with other tribes and have they been sectionized please let me know as I am a discedind from that tribe and would like to put in my name please let me know all the Particulars and oblige Mrs AA Leidecker, Belpre Ohio Box 128

Q Do you remember writing that? A Yes, sir.

The files of letters received by this commission from September 30, 1903 to June 30, 1904 carefully examined and no letters other than the two which have been read herein ,are shown to have been received by this office either from Mrs. Leidecker or her husband.

Q Do you still think that you sent in anything in the way of a communication before that? I dont know, it may have been after that.

Q To the best of your recollection was anything sent in before this letter? A I cant tell .

Q You see you didn't say anything about the Creek Nation but you spoke of the Catawba's. A The application I sent in included all my children and grand children's names and ages.

Q That first letter your husband wrote mentioned eleven children.

A There was one wrote where all their names and ages were given.

Q Was it before or after that? A I don't know

Q I will read you letter in letter book 360, now these are the

only things we have here after a careful search and the one from your husband, the only thing in the nature of an application is that inquiry. To what Creek Indian town do you claim to belong?

A At the time they called it Fishers

Q The name Creek Indian town does not mean a town or city but the name of a tribe or band. There are forty seven different towns. Do you know if you belong to any Indian town of that description? A I couldn't tell.

Q You don't claim your mother had any Creek blood? A No, sir, white.

Q How much Indian blood did your father have? A I can't tell.

Q If you have any rights they came from your father? A Yes, sir.

Q Did you ever draw any money from the Creek Nation? A No, sir

Q Did you ever have any one draw any for you, or your children or grand children? A No, sir

Q When did you first come to the Creek Nation? A In 1872.

Q Were you in the Creek Nation or Indian Territory in 1890?

A No, sir, not unless on a visit.

Q In 1895? A No, sir

Q Have you since that time ever made this your home? A No, sir not in the Creek Nation.

Q Where have you been? A In Oklahoma. I have been in Creek Nation to make my home, I came here in November and have staid here ever since.

Q You stated at the beginning of the testimony that your post office was Helpre, I am asking you what is your post office now?

A Cleveland, Oklahoma, it will be that from now on.

Q Did you ever make application in any other of the five tribes?

A No, sir.

This case is continued for fifteen days.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before
me this 6 day of January 1906.

J. M. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 17, 1906.

In the matter of the alleged application for the enrollment of Adora Elizabeth Leidecker et al as citizens by blood of the Creek Nation.

Adora Elizabeth Leidecker being duly sworn testified as follows:

BY COMMISSIONER.

Q What is your name? A Adora Elizabeth Leidecker.

Q You testified here January 3, 1906? A Yes, sir.

Q At the end of the hearing on that date you were given fifteen days to look up certain matters? A Yes, sir to look for the answer to one of my letters and also for the application that I claimed I sent to this office.

Q In that testimony you stated that there was an application other than some letters that were referred to in this office? Did you find this to be a mistake? A Yes, sir.

Q There was never anything sent but those two letters of inquiry? A Yes, sir that is all.

Q What was the circumstance of that application you thought was sent here? A I thought I was sending it here but in place of that I sent it to my attorney W.W. Wright

Q Do you know if he sent it to the Commission? A Yes, sir

Q How do you know? A He sent it back to me. I have it.

Q But it never was sent to this office? A No, sir but I had it in my mind that that answer to the inquiry was the answer to the application. When I went home I found my mistake.

Q When you testified here that you had an answer from this office referring to that written application, that was an error and you found that you were mistaken and that you had a letter from the Commission in answer to the letter from you, which letter was read to you from our letter books the last time you were here? A I was mistaken.

Q That is all you can produce? A Yes, sir.

Q As a matter of fact there never was any written application in the form of an application sent in here? A No, sir.

Q It was sent to your lawyer and he never sent it to us? A Yes, sir

Q The letter produced by the witness at this time is from this office dated March 17, 1904 and is in answer to a letter of A.A. Leidecker referred to in the previous hearing? Is that all that you have to state now? A Nothing more than that if I didn't make an application it wasn't my fault. I came in here about one December 3 and was told it was too late.

Q You didn't say anything about that the other time? A Yes, sir I testified that I was here in person. I told you I had sent in a written application and also had appeared in person myself.

Q In your testimony of January 3 do you claim to have made application for enrollment as a citizen of the Creek Nation before that date? A Yes, sir

Q At what time? A March 14, 1904

Q How did you make this application? A By writing. I wrote the application and sent it in and then I came myself in person the coming November, I was down in Starrett and returned back here December 3.

Q After you had written that letter? A Yes, sir.

Q That letter was written March 1904 and the following December

I appeared here at the office.

Q You never made an application prior to September 1, 1904 did you? You claim that you wrote letters and you find that the application was sent to Mr. Wright and not received by this office. Had you ever done anything about that? A Yes, sir I had been here at the office. I was here in December 1904.

Q Can't you recall that December 1904 is after March 1904?

A It might be but that's when I was there.

Q Were you ever before the Commission prior to December 1904?

A No, sir.

I, Anna Garrigue, do oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before
me this 17 day of March 1906.

Anna Garrigue

William A. Haggitt
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Adora Elizabeth Leidecker, her children, Frederick, Frank, Carl, Aaron, Dora, Bismarck, Von Moltke, and Ruth Leidecker, and her grandchildren, Margaret and Milton Leidecker, as citizens of the Creek Nation.

STATEMENT AND ORDER.

The record in this case shows that on January 3, 1906, Adora Elizabeth Leidecker appeared before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, and testified in the matter of an application, alleged to have been made to this office by letter, dated March 14, 1904, for the enrollment of herself and her children, Frederick, Frank, Carl, Aaron, Dora, Bismarck, Von Moltke, and Ruth Leidecker, and her grandchildren, Margaret and Milton Leidecker, as citizens of the Creek Nation. Further proceedings were had in this matter on January 17, 1906.

It appears from the evidence in this case and from the records in the possession of this office that letters were addressed to and received by this office, one under date of March 11, 1904, the other dated April 14, 1904. It does not appear from either of said letters that application was made for the enrollment of any one of the applicants herein as citizens of the Creek Nation.

In the proceedings had January 17, 1906, the principal applicant herein, in answer to question, "As a matter of fact there never was any written application in the form of an application sent in here?", answered, "No sir". It is further alleged by said applicant that she appeared in person in the month of December, 1904, for the purpose of making application for enrollment.

An examination of the records in the possession of this office fails to show that any application has ever been made for the enrollment of Adora Elizabeth Leidecker, or her children or grandchildren, above named, as citizens of the Creek Nation.

The act of Congress approved April 26, 1906, (Public No. 129) provides:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen

hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application.

I am of the opinion, that inasmuch as the records in charge of the Commissioner to the Five Civilized Tribes fail to show that any application has ever been made for the enrollment of Adora Elizabeth Leidecker, or her children, Frederick, Frank, Earl, Aaron, Vera, Eleanor, Von Helene, and Ruth Leidecker, or her grandchildren, Margaret and Hilte Leidecker, as citizens of the Creek Nation, within the time limited by the provision of law above quoted, I am without authority to receive or consider any application for the enrollment of said applicants at this time and I therefore decline to receive the same.

Muskogee, Indian Territory,

Commissioner.

AUG 22 1906

62 1006

Muskogee, Indian Territory, May 16, 1906.

William W. Wright,
Attorney for Mrs. A.E. Leidecker, et al.,
Corcoran Building,
Washington / D.C.

Dear Sir:

Receipt is acknowledged of your letter of May 8, 1906, requesting to be advised "as to the present status of the application "of Mrs. Adora Elizabeth Leidecker, for the enrollment of herself and children as citizens of the Creek Nation.

In reply you are advised that the matter of the alleged application for the enrollment of said Mrs. Adora Elizabeth Leidecker, et al. as citizens of the Creek Nation is pending in this office and when a decision is reached in same, the parties in interest will be duly notified.

Respectfully,

Acting Commissioner.

CR.W. 1006

Muskogee, Indian Territory, August 24, 1906.

Adora Elizabeth Leidecker,
Cleveland, Oklahoma Territory.

Dear Madam:

You are hereby advised that under date of August 22, 1906, the Commissioner to the Five Civilized Tribes, rendered a statement and order dismissing the matter of the alleged application for the enrollment of yourself, your children Frederick, Frank, Carl, Aaron, Dora, Bismarck, Von Moltke, and Ruth Leidecker, and your grand-children, Margaret and Hilton Leidecker, as citizens of the Creek Nation.

A copy of said statement and order is inclosed herewith.

Respectfully,

Register
1906-23

Acting Commissioner.

LAST LITIGATION
INDIAN MATTERS
LEADS
REPUTATION

REGISTERED ATTORNEY
U. S. DISTRICT COURT AND SUPREME COURT

PRACTICE IN ALL U. S. COURTS
COURT OF CLAIMS
DEPARTMENT OF GOVERNMENT
COMMISSIONERS OF COURTS

WILLIAM W. WRIGHT.

Esq.,

FORMERLY WITH THE DAWES COMMISSION.

CORCORAN BUILDING,

WASHINGTON, D. C.

REFER TO

GOVERNMENT NATIONAL BANK

Sept. 28th, 1906.

Honorable Commissioner to the Five Civilized Tribes,
Muskogee, Ind. Ter.

Dear Sir:

In re. application of Adora Elizabeth Leidecker et al.,
for enrollment as citizens of the Creek Nation.

On August 22nd, last, a decision was rendered by you in the
above-named application holding in substance that an application
had not been made within the provisions of the act of April 26th,
1906, notwithstanding the fact that correspondence was received by
the Commission from the claimant in regard to the claim prior to
December first, 1906.

I am the attorney for the applicants above-named and an
examination discloses that the record has not yet been forwarded
to the Commissioner of Indian Affairs.

I wish you would kindly advise me in regard to the status of
this application, especially about what time the record will be
forwarded.

Thanking you in advance for the favor,

Very truly yours,

W. W. Wright.

BLM

Cr. No. 1006.

Mankegee, Indian Territory, October 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith the record of proceedings had before this office in the matter of the alleged application for the enrollment of Adora Elizabeth Liedicker, et al., as citizens of the Creek Nation, including the order of the Commissioner in said matter.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

IM-56.

Cr.En. 1066/

Muskogee, Indian Territory, October 27, 1906.

W. W. Wright,

Attorney At Law,

Corcoran Building,

Washington, D.C.

Dear Sir:

In reply to your letter of September 28, 1906, requesting to be advised of the status of the application for the enrollment of Adora Elizabeth Liedecker et al., as citizens of the Creek Nation, you are advised that the record in the matter of the alleged application for the enrollment of said Adora Elizabeth Liedecker et al., together with the decision of the Commissioner in same, has this day been forwarded to the Department.

Respectfully,

Commissioner.

D.C. 54342-1906.

COPT

Cleveland, Okla., Dec. 9, 06.

Dawes Commission,

Muskogee, Ind. Ty.

Gentlemen:

Sometime in November 1904 Mrs. A. A. Leidecker made application for enrollment as Lizzie Leidecker and a daughter of E. H. Lerblance, again in 1906 in March I believe she appeared again to make application.

I wish to state that I representing the Lerblance heirs do not claim her as a half-sister and are anxious to know what steps we should take in this matter.

Will you kindly advise me in what year my fathers name first appeared on any of the authenticated rolls of the Creek Nation I remember having placed his name on the rolls made by the "Dawes Commission" sometime during the months of July or August- however it was while you were at Lee, I. T., In the year 1898.

She claims to be a daughter of E. H. Lerblance, and her attorney is endeavoring to prove she was born since my fathers name was placed on the authenticated Creek rolls. I am getting affidavits to rebute this argument.

Kindly give me any information you can as to when it

-2-

was first enrolled- and whether or not they have any show of being enrolled.

Thanking you in advance for your kindness.

I am,

Yours truly,

Frank Lerblance.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

KLM

LLB

I.T.D. 2754-1907.

February 13, 1907.

LRB

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir :--

October 27, 1906, you transmitted the record in the matter of the application for the enrollment of Adora E. Leidecker and her eight children, Frederick, Frank, Carl, Aaron, Dora, Bismark, Von Moltke, and Ruth Leidecker, and her two grandchildren, Margaret and Hilton Leidecker, as citizens of the Creek Nation, including your decision dated August 22, 1906, adverse to the applicants.

Reporting February 6, 1907, (Land 95928-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inc. and 3 to Ind. Of.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land:

95928-1906

February 6, 1907.

The Honorable,

The Secretary of the Interior.

Sir :--

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated October 27, 1906, transmitting the record relative to the application of Adora E. Leidecker, et al., for enrollment as citizens by blood of the Creek Nation.

On January 3, 1906, Adora E. Leidecker applied to the Commissioner for the enrollment of herself and her children, Frederick, Frank, Carl, Aaron, Dora, Bismark, Von Moltke and Ruth Leidecker and her grandchildren, Margaret and Hilton Leidecker as citizens by blood.

On August 22, 1906, the Commissioner held that the applicants were not entitled to such enrollment.

The Commissioner reports that no application was made for the enrollment of Adora E. Leidecker within the time specified in Section 1 of the Act of April 26, 1906, (34 Stat. L., 137).

The other applicants in this case are the children and grandchildren of Adora E. Leidecker and possess no right to be enrolled as citizens by blood of the Creek Nation except through her.

The decision of the Commissioner adverse to the
applicants is recommended for approval.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

HRD-4

Cr. 1907.

Muskogee, Indian Territory, March 5, 1907.

Adora E. Liedecker,

Cleveland, Oklahoma Territory.

Dear Madam:

You are hereby advised that the Department, under date of February 13, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of yourself and minor children, Frederick, Frank, Carl, Aaron, Dora, Bismark, Ron Moltke and Hilton Liedecker, as citizens of the Creek Nation, denying said application.

Respectfully,

Commissioner.

Cr.En. 1006.

Muskogee, Indian Territory, March 5, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of February 13, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Adora Liedecker, et al., as citizens of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1007

CR EN 1007

D.A. 69.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Creek Enrollment Field Party.
~~Boydton~~ I. T., August 28, 1908.
Chesotah

In the matter of the application for the enrollment of Clara Malvin as a Creek Freedman.

JOHN MALVIN, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A John Malvin.
Q What is your post office address? A Chesotah.
Q How old are you? A About twenty-nine.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Canadian Colored, I think.
Q Did you have a child named Clara Malvin? A Yes, sir.
Q Do you remember when she was born? A The child, I think, was born in 1900. They made out an affidavit and made a mistake in making it out----any how the child was born in 1900.
Q Do you know in what month? A I think it was January.
Q Do you know ~~the~~ what time in January? A That is what I don't know. My wife was up about Boydton about three months. I was not there.
Q You are positive are you that the child was born in January, 1900?
A I won't say I am positive but I think I am positive the child was born in January, 1900.
Q What was the name of the child's mother? A Mary Malvin.
Q Who executed the affidavit you spoke of? A My wife I think. They had it 1901, I think, and it should have been 1900. My oldest child is seven years old and this one was next to it.
Q Is Clara living? A No, sir, she is dead. I don't think she lived.
Q When did she die? A It died the same night I think.
Q The child died shortly after its birth did it? A Yes, sir.
Q Did it live as much as a week? A I don't think it did.
Q How long did your wife stay up at Boydton after the child was born?
A About a month.
Q Did she bring the child back home? A No, sir, it died up there.
Q According to an affidavit executed by your wife, Mary Malvin and Clara Brown, May 27, 1901, Clara Malvin died February 13, 1901? A I think it was February, but this 1901 was wrong. It was 1900, this notary public made the mistake. I told the Dawes Commission about it when I taken the paper in there. It was 1900, in February, I guess.
Q Is the mother of the child living? A No, sir.
Q When did she die? A She died the 19th or 20th of last November.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 16 day of Oct, 1908.

D. C. Skaggs
Edw. B. Skaggs
Notary Public.

Cr.En.1007.

I.S.N.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Clara Malvin, deceased, as a Creek freedman.

DECISION.

The record in this case shows that on May 28, 1901, there was filed in the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, an affidavit in the matter of the death of Clara Malvin and said affidavit is considered as an original application for her enrollment as a Creek freedman. Further proceedings were had August 28, 1903.

The evidence in this case is conflicting but shows that said Clara Malvin, deceased, died in January or February of the year 1900 or 1901. The evidence further shows that said child did not live more than one month after the date of its birth.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Clara Malvin, deceased, as a Creek freedman and the application for her enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

FEB 23 1906

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JCH
LLB

I.T.D. 368-1907.
D.C.3511-1907.

January 14, 1907.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 27, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Clara Malvin, deceased, as a Creek freedman, including your decision dated February 23, 1906, adverse to the applicant.

Reporting January 7, 1907 (Land 19740-1908), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Signed, Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

Refer in reply to the following:
Land 19740-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(COPY)

January 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated February 27, 1906, transmitting the record relative to the application of Clara Malvin, deceased, for enrollment as a Creek freedman.

On May 28, 1901, an affidavit was filed with the Commission to the Five Civilized Tribes relative to the death of Clara Malvin, this affidavit was considered as an application for her enrollment as a Creek freedman.

On February 23, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The evidence shows that Clara Malvin was born 22 January and died in February, in the year 1900.

In view of Section 7 of the Act of June 30, 1902 (32 Stat. L. 500), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

HRD-SD

Acting Commissioner.

Gr.En.1007.

CM

Muskogee, Indian Territory, January 24, 1907.

John Malvin,

Checotah, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 14, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of John Malvin, deceased, as a Creek freedman.

Respectfully,

Commissioner.

Gr.En.1007.

OK

Muskogee, Indian Territory, January 24, 1907.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of January 14, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1906, denying the application for the enrollment of Clara Malvin, deceased, as a Creek freedman.

Respectfully,

Commissioner.

Cr. No. 1007

Muskogee, Indian Territory, February 27, 1906.

John Malvin,
Checotah, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Clara Malvin, deceased, as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

HKA-11-2

Acting Commissioner.

Cr. No. 1007

Muskogee, Indian Territory. February 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Clara Malvin, deceased, as a Creek freedman, including the decision of the Commissioner dated February 23, 1906.

Respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

HEA-21-5

Gr. No. 1007

Muskogee, Indian Territory, February 22, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Clara Malvin, deceased, as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Acting Commissioner.

HEA-X-2

CR EN 1008

CR EN 1008

A. 113.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Senora, I. T., June 22, 1906.

In the matter of the application for the enrollment of Sunday, deceased, as a citizen by blood of the Creek Nation.

FANNIE HAWKINS, being duly sworn, testified as follows:

Through Alex Pesey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Fannie Hawkins.
Q How old are you? A About forty-five.
Q What is your post office address? A Senora.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Okshiye.
Q Did you know Sunday? A Yes, sir, he was the child of my sister, Matilda.
Q Who was his father? A Wecus Ega (or Jake Bearhead).
Q Do you know when he died? A He died in the summertime but I do not know in what month or year. He died before my son, Kose Fixico, died.

Reference is here made to testimony taken this day in Creek Enrollment Case No. 818.

- Q Did he die before or after the opening of the Creek Land Office?
A I think he died before but I am not positive.
Q How long had he been dead at the time your son, Kose, died? A I think something like a year.
Q How old was he at the time of his death? A About two years old.
Q Do you know whether or not money was drawn for Sunday when the 1895 Payment was made? A I think not, but I am not positive. I was living in the western part of the Creek Nation at the time the payment was made.
Q Do you know whether or not the child was living at that time? A Yes, sir, the child was living.
Q Are you positive that Sunday died in the Summer, about a year before your son, Kose Fixico, died? A Yes, sir.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 17 day of JULY 1906.

D. C. Skaggs
Edw. B. Fries
Notary Public.

Cr. No. 1006.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

I.S.N.

-20-

In the matter of the application for the enrollment of Sundry,
deceased, as a citizen by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT

It appears from the records of this office that Henrich Smart-
tee, whose signature is attached to the affidavit in the matter of
the death of Sundry, deceased, died March 12, 1905.

W. O. Smith
Acting Commissioner

Muskogee, Indian Territory,

January 24, 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Sunday, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on September 3, 1901, the affidavit of Henehe Emarthlogoe, relative to the death of Sunday was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, which affidavit is considered as an application for the enrollment of said Sunday, deceased, as a citizen by blood of the Creek Nation.

Further proceedings were had June 22, 1905.

Copies of testimony taken June 22, 1905, in the matter of the application for the enrollment of Rose Fixico, deceased, (Creek En.818), and on July 3, 1905 in the matter of the application for the enrollment of Matilda, deceased (Creek En.819), as citizens by blood of the Creek Nation, are made part of the record herein.

The evidence shows that said Sunday, deceased, died prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Sunday, deceased, as a citizen by blood of the Creek Nation, and the application for his enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

FEB 23 1906

J. J. B.

RECEIVED
TAMM BERRY,
THOMAS B. HENDLES,
C. E. BRIDGEMAN,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
D.C. 112

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 1, 1904.

Alex Posey,

Muskogee, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit relative to the death of Sunday (or Sandy), who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

It is required that two witnesses who know the date of the death of said person appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,



Commissioner in Charge.

Cr. En. 1008

Muskogee, Indian Territory, February 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of ~~John~~ *John* ~~John~~ deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner dated February 23, 1906.

Respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

HKA-3-5

Cr. No. 1008

Muskogee, Indian Territory. February 27, 1906.

Fannie Hawkins,

Seneca, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of ~~James M. 1007~~ deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

HMA-R-1

Acting Commissioner.

Cr. M. Mott

Muskogee, Indian Territory. February 27, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Kose Pixico, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

HRA-X-D

Acting Commissioner.

Refer in reply to the following:
Land 19741-1906.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated February 27, 1906, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation of Sunday, deceased.

February 23, 1906, the Commissioner decided adversely to the application.

The record shows that Sunday died prior to April 1, 1899.

In view of the record and of Sec. 28 of the Act of March 1, 1901 (31 Stats., 861), the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

M.M.M. C

No. 20242.

GR. LLB. LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, May 19, 1906.

I.T.D. 8850-1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office the Department hereby affirms your decision of February 23, 1906, denying the application for the enrollment of one Sunday, deceased, as a citizen by blood of the Creek Nation, on the ground that the evidence shows that said Sunday, deceased, died prior to April 1, 1899.

A copy of the Indian Office letter is inclosed.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

1 inclosure.

Muskogee, Indian Territory, May 29, 1906.

Fannie Hawkins,

Seneca, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of May 19, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1906, denying the application for the enrollment of Sunday, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, May 20, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of May 19, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1906, denying the application for the enrollment of Sunday, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1009

CR EN 1009

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Cobb, Indian Territory, December 18, 1905.

In the matter of the application for the enrollment of
Elnora Barker, deceased, as a Creek freedman.

John Barker, being duly sworn, testified as follows:



Q What is your name? A John Barker.
Q What is your age? A On the first day of May this year I was
thirty six years old.
Q What is your post office address? A Boynton.
Q Are you a citizen of the Creek Nation? A No, sir I am a Chickasaw
Q Have you a child named Elnora? A Yes, sir.
Q The child is dead is it? A Yes, sir.
Q Do you know when it died? A About the 25th of May 1898.
Q When was the child born? A The 25 of April 1898.
Q You are positive are you as to the date of the birth and death
of your child Elnora? A Yes, sir.
Q Have you a record showing when she was born and when she died?
A No, sir.
Q Did you ever execute an affidavit about the death of the child?
A Yes, sir.
Q According to the death affidavit executed by you and Elliott
Smith February 12, 1903, which is on file in the office of the
Commissioner, Elnora Barker died August 8, 1899, is the date of
the child's death as given in that affidavit correct or not?
A I made a mistake or the notary one if that's the date in the
affidavit, because it was in May 1898 that the child died.
Q If you made a mistake do you now wish to correct it? A Yes, sir.
Q What was the name of the child's mother? A Elizabeth Barker.

Elizabeth Barker being duly sworn testified as follows:

Q What is your name? A Elizabeth Barker.
Q What is your age? A Twenty six
Q What is your post office address? A Boynton.
Q Are you a citizen of the Creek Nation.
Q To what town do you belong? A North Fork colored.
Q Did you have a child named Elnora? A Yes, sir.
Q When was it born? A April
Q In what year? A 1898.
Q Are you positive? A Yes, sir.
Q When did it die? A In may, it lived about a month.
Q You are positive are you that your child Elnora was born in April
1898 and died in May 1898? A Yes, sir.

I, Alex Posey, on oath state that the above is a true
and correct transcript of my notes as taken in said cause on said
date.

Subscribed and sworn to before me
this 23 day of December 1905.



Notary Public.

Cr.En.1009.

I.S.N.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

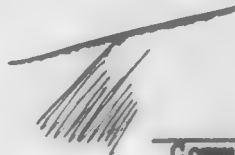
In the matter of the application for the enrollment
of Elnora Barker, deceased, as a Creek freedman.

DECISION.

The record in this case shows that on February 14, 1903, there was filed in the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, an affidavit in the matter of the death of Elnora Barker and said affidavit is considered as an original application for her enrollment as a Creek freedman. Further proceedings were had on December 18, 1905.

The evidence in this case shows that said Elnora Barker, deceased, died in the month of May, 1898.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Elnora Barker, deceased, as a Creek freedman and the application for her enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

FEB 23 1906

Cr. En. 1009

Muskogee, Indian Territory. February 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Elnora Barker, deceased, as a Creek freedman, including the decision of the Commissioner dated February 23, 1906.

Respectfully,

Through the Commissioner
of Indian Affairs.

Acting Commissioner.

NEA-7-2

Cr. En. 1009

Muskogee, Indian Territory, February 27, 1908.

John Barker

Boynton, Indian Territory

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Elmore Barker, deceased, as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

HEA-3-7

Acting Commissioner.

Or. En. 1002

Muskogee, Indian Territory. February 27, 1906

W. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Elnora Barker, deceased, as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

HEA-P

Acting Commissioner.

Refer in reply to the following:
Land 19739-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(COPY)

January 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated February 27, 1906, transmitting the record relative to the application of Elnora Barker, deceased, for enrollment as a Creek freedman.

On February 14, 1903, an affidavit was filed with the Commission to the Five Civilized Tribes relative to the death of Elnora Barker, and this affidavit was considered as an application for her enrollment as a citizen by blood.

On February 23, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The evidence shows that Elnora Barker was born on April 25, 1898, and that she died May 25, 1898.

In view of Section 2 of the Act of April 26, 1906, (34 Stat.L.137) the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD--SD

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JCH
LLB

I.T.D.386-1907.
D.C. 2913-1907.
LRS

January 12, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 27, 1906, you transmitted the record in the matter of the application for the enrollment of Elnora Barker, deceased, as a Creek freedman, together with your decision of February 23, 1906, denying said application.

Reporting January 7, 1907 (Land 19739-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 3 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Gr. No. 1009.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 31, 1907.

Joe Barker,

Boynton, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 7, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Elmera Barker, deceased, as a Creek freedman.

Respectfully,



Commissioner.

Gr. En. 1009.

Muskogee, Indian Territory, January 31, 1907.

M. L. Mott,

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 12, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 25, 1906, denying the application for the enrollment of Minora Barker, deceased, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1010

CR EN 1010

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Trenton, I. T., October 9, 1905.

In the matter of the application for the enrollment of Charlie Jones, deceased, as a citizen by blood of the Creek Nation.

BARNEY GREEN, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Barney Green.
Q How old are you? A About forty-four. I was born in 1861.
Q What is your post office address? A Trenton.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Weogufke.
Q Do you know a member of your town named Charlie Jones? A Yes, sir. He was a member of the House of Warriors for Weogufke Town during Ispahche's Administration.
Q Do you know any other Charlie Jones, who is a member of Weogufke Town? A Yes, sir, another Charlie Jones who lived near Muskogee and who died recently.
Q Do you know when the Charlie Jones, who was a member of the Council, died? A He died February 21, 1899.

Witness presents a day-book in which the following entry is found:

"February 21, Charles Jones 1899."

- Q Did you make this record? A Yes, sir.
Q When did you make it? A On the day he was buried. He died on the road-side while returning from Okmulgee, where he had been summoned to attend an extraordinary session of the Creek Council. He died of a hemorrhage of the lungs. Just this side of what is now Bryant's Station, on the Frisco Rail-road.
Q Was there any one with him at the time he died? A He and Okmuh Emarthla were returning together from Okmulgee. When he became ill Okmuh Emarthla left him and came on home, but notified some of the people living near. When he was found he was dead. The corpse was brought back here and buried in the yard at his home. We intended to bury the body in the Weogufke Cemetery but decomposition had set in and we buried him at his house.
Q What relation was he to Jackson Bruner? A An uncle.
Q Jackson Bruner executed an affidavit which is on file in the office of the Commissioner, that Charlie Jones died in October 1899? A That date is not correct. Jackson Bruner probably thought Charlie Jones was returning from a regular session of the Council, which is held in October. The session of the Council from which he was returning at the time he died was an extraordinary session, which was called by Ispahche. The Council convened but adjourned immediately, on account of the small-pox epidemic which was, at that time, raging in the western part of the Creek Nation. For a long time I have been in the habit of keeping a record of the deaths of the members of my town and I know the record of his death in that book is correct.
Q Do you hold any official position in the Creek Nation? A Not at the present time, but I have served as Council member, Captain of the Light Horse and Prosecuting Attorney. I nominated Charlie Jones for the position which he held at the time he died.

D.A. 144,---3.

Q. When did the Charlie Jones who lived near Ann Arbor die? A. I think it was sometime in August, of this year. It has not been long.

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I, H. O. Shaggs, do hereby state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said case on said date.

H. O. Shaggs

Subscribed and sworn to before me this 16 day of Oct 1904.

Edw. J. [illegible]

Notary Public

SA 146

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
TRENTON, I. T., NOVEMBER 27, 1906.

In the matter of the application for the enrollment of
Charley Jones, deceased, as a citizen by blood of the Creek Nation.

JACKSON BRUNER, being first duly sworn by and examined
through Alex Posey, a Notary Public, and Official Interpreter,
testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Jackson Bruner.
Q How old are you? A About 23.
Q What is your postoffice address? A Trenton.
Q Are you a citizen of the Creek Nation? A Yes sir, I belong
to Weogufke town.
Q Did you know a member of your town named Charley Jones?
A Yes sir.
Q You appeared before the Commissioner at Muskogee and executed
an affidavit about the death of Charley Jackson Jones, did you
not? A Yes sir.
Q In that affidavit you stated that said Charley Jones died
October ____, 1899. Is that the correct date of his death?
A No sir, I made a mistake. Upon later investigation I discov-
ered that he died in February, 1899, while riding home from
Okmulgee where he had been attending a session of the Creek
Council.
Q You give this testimony in correction of the mistake you made
as to the date of the death of Charley Jones, do you?
A Yes sir.

James B. Myers, being first duly sworn, states, that as
stenographer to the Commissioner to the Five Civilized Tribes, he
recorded the testimony in the foregoing proceedings, and that the
above is a true and correct transcript of his stenographic notes
thereof.

James B. Myers

Subscribed and sworn to before me,
this 10 day of Dec., 1906.

Cr. No. 1010.

COOK

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Charlie Jones, deceased, as a citizen by blood of the Creek
Nation.

DECISION

The record in this case shows that on August 1, 1904,
application was made, in affidavit form, for the enrollment of
Charlie Jones, deceased, as a citizen by blood of the Creek
Nation. Further proceedings were had September 10, 1904 and
October 9, 1905.

The weight of evidence establishes the date of death of said
Charlie Jones as prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is no
authority of law for the enrollment of said Charlie Jones,
deceased, as a citizen by blood of the Creek Nation, and the
application for his enrollment as such is accordingly denied.

COMMISSIONER.

Muskogee, Indian Territory

January 1, 1907

Dustin, Indian Territory, October 12, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith testimony taken October 9, 1906,
in the matter of the application for the enrollment of Charlie Jones,
deceased, as a citizen by blood of the Creek Nation, together with
death affidavit number 146 and a copy of the testimony heretofore
taken in said case.

Advise me if further evidence is desired in said case.

Respectfully

Wm. A. R. R.
Clerk in Charge Creek Field Party

INDEXED

COMPTROLLER TO THE SECRETARY	
No.	Record
53,100	
DEC 11 1906	

D. a. 146

En. 1010

Posey, Alex,
Dustin, I. T.,
Dec. 11, 1906.

Transmits testimony in re
application for enrollment of
Charlie Jones.

~~CHIEF ENROLLMENT~~

REFER TO COPY TO THE FOLLOWING:

D. A. 146.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Dustin, Indian Territory, December 11, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of
Charlie Jones, deceased, as a citizen by blood of the Creek Nation,
there is herewith inclosed the testimony of Jackson Bruner, taken
by the Creek Field Party November 27, 1906, together with copies
of the testimony heretofore taken in said cause.

Respectfully,

W. H. May
In Charge,
Creek Field Party.

JBM

Cr. In. 1019.

Muskogee, Indian Territory, January 17, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Charlie, Jenen, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner, dated January 14, 1907, denying said application.

Respectfully,

Commissioner.

LN-84.

Through the Commissioner
of Indian Affairs.

Gr. An. 1010.

Muskegee, Indian Territory, January 17, 1907.

Jackson Bruner,

Trenton, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner in the matter of the application for the enrollment of Charlie Jones, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-81.

Cr.No.1010.

Muskogee, Indian Territory, January 17, 1907.

M.L.Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Charlie Jones, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, together with the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-83.

COPY

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

GAW

Office of Indian Affairs, February 18, 1907

Land 6089 1907

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 17, 1907, enclosing the record of the proceedings in the matter of the application for the enrollment of Charlie Jones, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner, dated January 14, 1907, denying the application.

The record shows that application was made in affidavit form on August 1, 1904, for the enrollment of Charlie Jones, deceased, as a citizen by blood of the Creek Nation. Testimony was taken on September 6, 1904, and October 9, 1905. The weight of the evidence is that Charlie Jones died prior to April 1, 1899 the exact date probably being February 21, 1899.

The Office is of the opinion that there is no authority of law for the enrollment of Charlie Jones, deceased, as a citizen by blood of the Creek Nation, and it is recommended that the decision of the Commissioner to the Five Civilized Tribes, dated January 14, 1907, denying his application be affirmed.

Very respectfully,

C F Larrabee

Acting Commissioner.

EWE D

DEPARTMENT OF THE INTERIOR;
WASHINGTON. February 26, 1907

CRW
SP

I.T.D. 4122-1907
LRS

DIRECT

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 17, 1907, you transmitted the record in the matter of the application for the enrolment of Charlie Jones, deceased, as a citizen by blood of the Creek Nation, including your decision dated January 14, 1907, adverse to the applicant.

Reporting February 18, 1907 (Land 6089), the Indian Office recommended that your decision be affirmed. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

The record in the case has been sent to the Indian Office for its files, together with a carbon copy hereof.

Respectfully,
Jesse E. Wilson
Assistant Secretary

1 inc and
1 to Ind Of

JWH

Or.En.2010

Muskogee, Indian Territory, March 7, 1907.

Jackson Bruner,

Trenton, Indian Territory.

Dear Sir :--

You are hereby advised that under date of February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Charlie Jones, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1011

CR EN 1011

En. 202.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Bufaula, I. T., September 23, 1906.

In the matter of the application for the enrollment of Myrtle White, deceased, as a citizen by blood of the Creek Nation.

PHENIE WHITE, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Phenie White.
Q How old are you? A Twenty-three.
Q What is your post office address? A Bufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Taskagee.
Q Did you have a child named Myrtle White? A Yes, sir.
Q Do you know when she died? A Yes, sir, she died October 10.
Q What year? A 1898.
Q How old was she at the time she died? A She was not quite a month old. She was born September 15.
Q September 15th of the same year she died? A Yes, sir.
Q What is the name of the father of the child? A Mack White.
Q Have you executed an affidavit about the death of this child? A No, sir, I haven't.
Q There is on file in the office of the Commissioner an affidavit executed by you and Janie James? A Yes, sir.
Q According to that affidavit Myrtle White was born September 18, 1898? A Yes, sir.
Q You now state that she was born September 15, 1898? A Yes, sir.
Q Which date is correct? A She was born on the 15th.
Q That is the correct date is it? A Yes, sir.
Q Did you have any record to go by at the time you executed the affidavit? A Yes, sir.
Q Have you that record now? A Yes, sir.
Q Have you got it with you? A No, sir.
Q You are positive are you that she was born September 15, 1898 and died on October 10, 1898? A Yes, sir.
Q She was born and died in the same year? A Yes, sir.
Q Is Mack White a citizen of the Creek Nation? A No, sir.
Q Is he a non-citizen? A Yes, sir.

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I, D. O. Skaggs, do hereby state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. O. Skaggs

Subscribed and sworn to before me this 16 day of Oct 1906.

Edw. L. Smith
Notary Public

Cr. En. 1011.

I.S.N.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Myrtle White, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on August 31, 1904, there was filed in the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, an affidavit in the matter of the birth of Myrtle White and said affidavit is considered as an original application for her enrollment as a citizen by blood of the Creek Nation. Further proceedings were had on September 23, 1905.

The evidence in the case shows that said Myrtle White, deceased, died October 10, 1898.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Myrtle White, deceased, as a citizen by blood of the Creek Nation and the application for her enrollment as such is accordingly denied.


Commissioner.

Muskogee, Indian Territory,

FEB 23 1906

INDEXED

COMMISSIONER TO FIVE TRIBES

No.

45737
1905

Received

OCT-8 1905

FILED

Book Page

posey, Alex,
Eufaula, I.T.,
Creek Nation,
Oct. 2, 1905.

Transmits testimony in re
application for enrollment
of Myrtle White, deceased
as a Creek citizen.

RECEIVED

B. 1. 202.

Waukegan, Indian Territory, October 2, 1905.

Commissioner to the Five Civilized Tribes,
Waukegan, Indian Territory.

There is enclosed herewith testimony taken September 23, 1905, in the matter of the application for the enrollment of Myrtle White, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Wm. P. R. R.
Clerk in Charge Creek Field Party.

Cr. No. 1011

Muskogee, Indian Territory, February 27, 1908.

Phenie White,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Myrtle White, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Acting Commissioner.

HRA-8-1

Cs. No. 1011

Muskogee, Indian Territory, February 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Myrtle White, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner dated February 23, 1906.

Respectfully,

Through the Commissioner
of Indian Affairs.

Acting Commissioner.

HEA-5-5

Co. No. 1021

Muskogee, Indian Territory. February 27, 1906.

M. L. Kott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Myrtle White, deceased as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

NEA-V

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.DLM
PHEI.T.D. 590-1907.
D.C.3565-1907.

January 14, 1907.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to your office report of February 27, 1906, transmitting the record relative to the application for the enrolment of Myrtle White, deceased, as a citizen of the Creek Nation, you are advised that the record before the Department shows that Myrtle White was born September 18, 1898, and died October 10, 1898. In view of section 2 of the act of April 26, 1906 (34 Stat., 137), there does not appear to be any provision of law whereby said applicant could be enrolled, and your action adverse to said applicant is hereby affirmed.

A copy of Indian office letter of January 9, 1907 (Land 19738-06), submitting your office report, is inclosed. The papers in the matter have been returned to that office for its files.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 for Ind. Of.

Refer in reply to the following:
Land: 19788-1906.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated February 27, 1906, transmitting the record relative to the application of Myrtle White, deceased, for enrollment as a citizen of the Creek Nation.

On August 31, 1904, an affidavit was filed with the Commission to the Five Civilized Tribes relative to the birth of Myrtle White and this affidavit was considered as an application for her enrollment as a citizen by blood.

On February 23, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The evidence shows that Myrtle White was born on September 18, 1898, and that she died on October 10, 1898.

In view of Section 2 of the Act of April 26, 1906 (34 Stat. L. 137), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD
C

Gr.No.1011

Muskogee, Indian Territory, January 24, 1907.

Phenile White,

Okfuskee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of January 14, 1907, affirmed the decision of the Commissioner of the Five Civilized Tribes, denying the application for the enrollment of Myrtle White, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, January 24, 1907.

M. L. Nett,

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 14, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1906, denying the application for the enrollment of Myrtle White, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1012

CR EN 1012

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 16, 1906.

In the matter of the application for the enrollment of
Reuben Humphreys, and his children Beulah and Fred Humphrey as
Creek freedmen.

Reuben Humphreys being duly sworn testified as follows:

- Q What is your name? A Reuben Humphreys.
Q What is your age? A Twenty five
Q What is your post office address? A Muskogee.
Q You are here, are you, in the matter of an alleged application
made by your mother Marinda for your enrollment as a Creek freedman?
A Yes, sir.
Q Any claims you may have do you claim them through her? A Yes, sir
Q Do you make any other claim? A No, sir.
Q Did you ever make any application for enrollment as a Creek
freedman yourself? A No, sir.
Q Did any one make any for you? A Why it was in the hands of a
lawyer and I understood that that was what it was for to make an
application.
Q Do you know whether he did make one? A No
Q You never appeared in person? A No, sir/

Marinda Humphreys being duly sworn testified as follows:

- Q What is your name? A Marinda Humphreys.
Q What is your age? A I don't know exactly, something over forty.
Q What is your post office address? A Muskogee.
Q You claim to have made application for the enrollment of Reuben
Humphreys and his two children Beulah and Fred do you? A Yes, sir.
Q When do you claim you made this application? A I don't know how
long it has been now.

The records of this office show that you appeared here
on April 26, 1904 and made application in person for
the enrollment of yourself and your children and grand-
children, do you claim that you at that time tried to
make application for Reuben and his two children?

A Yes, sir.

- Q How do you claim you tried? A I told them to put him down as he
was working.
Q Did you name him? A Yes, sir I did him and his two children.
Q Tell how it happened? A I came up here and told them I wanted
to enroll them.
Q Enroll who? A I told them I wanted them to put my son Reuben down.
and his two children.
Q Did you name his two children? A Yes, I told them Beulah and Fred
Q Is that all you said? A Yes, sir
Q What did he say? A They said he might come himself, he was of age
Q What did he say about the children? A He didn't say anything
about the children.
Q Have you any witness of this fact? A My daughter and my mother
were here.
Q What are their names? A Flora Franklin and Alice Lewis
Q Are you sure they were here? A Yes, sir

Q And they heard what you said and what the man told you, did they?
A Yes, sir.
Q What time of day was it you were in? A I think it was something like nine o'clock.

The records of this office show that you were asked this question? Q Give me the names and ages of your children you want to apply for? A Tommie Humphreys; he is going on 21.

Q Next? A Willis Humphreys. He is going on 19.

Q What is the next? A Maleah Humphreys; going on 14; she is

Q Next? A Ada Humphreys; 12

Q Next? A Shaddie Humphreys, she is ten.

Q Next? A That's all.

Q It doesn't appear in the record that you mentioned your son Reuben? A Yes, sir I mentioned him.

Q Your son Reuben and his children if they have any rights as Creek freedmen they come through you, do they? A Yes, sir.

Q It appears that the application for the enrollment of Marinda Humphreys and her said children and grand children was denied by the Commission May 25, 1904 and that on October 25, 1904 said decision of the Commission was affirmed by the Department and all parties in interest duly notified.

Q Can you get those people that you mention, Flora Franklin and Alice Lewis to testify about this alleged application? A Yes, sir

Q How long a time do you want? A Fifteen days

This case is continued for fifteen days.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me
this 17 day of January 1906.

H. H. Harris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 19, 1906.

In the matter of the alleged application for the enrollment of Reuben Humphreys et al as citizens of the Creek Nation.

ALICE LEWIS, being duly sworn, testified as follows:

- Q What is your name? A Alice Lewis.
Q What is your age? A Twenty eight.
Q What is your post office address? A Muskogee.
Q Do you know Marinda Humphreys? A Yes, sir. She is my mother.
Q Do you know Reuben Humphreys and his two children? A Yes, sir. He is my brother.
Q Your mother made application for the enrollment of herself and of you within the time specified by law, do you know anything about an alleged application by her for Reuben Humphreys and his two children? A Yes, sir she asked to make application for him and his two children.
Q When did she do that? A In 1904, in September.
Q How do you know she did that? A I was here.
Q Did she make application for you at that time? A I made my own. I was here at the time.
Q Were you in the room when she spoke of Reuben? A Yes, sir.
Q What words did she use? A She said she wanted to make application for Reuben and his two children as he was busy working.
Q And what did the man say to that? A He said he was of age and he had to make his own.
Q Did you hear him say that? A Yes, sir.
Q And did you hear her say what she did? A Yes, sir.
Q And was that before you made application for yourself? A It was the same day.
Q Was it before you made your application? A It was after I made mine.
Q You were the last one in that case? A No, sir, I wasn't
Q You made it after Marinda did, didn't you? A Yes, sir.
Q If she said anything at all she must have said it after her application was over? A Yes, sir she spoke of the children after she made her own...
Q The testimony of that day shows that she was asked about grand children and that she did in fact make application for some of her own children, why didn't she make application for Reuben?
A She did. I said that after she made hers she wanted to make application for him and they said she couldn't make it.
Q Then the first thing she said the first word of any kind about Reuben and his children was after her application was over? A I don't understand you.
Q She came in here and sat down and made application for herself and some children and grand children and after a little while you sat down and made application for yourself and after that was over she mentioned Reuben and his two children? A I don't remember ever saying that.

her doing that.

Q When did she make this statement about Reuben and his children?

Q She just called the names of all the children.

Q When? A That same day

Q And what time with regard to her application? A I don't know.

Q Do you remember sitting down and being asked questions? A Yes, sir

Q Had your mother been asked questions before you sat down? A After I sat down.

Q Before you sat down she hadn't been asked any questions about Reuben? A Yes, sir.

Q Before you sat down to give testimony in your own case, the record shows that Marinda Humphreys was asked about grand daughters of hers who had children, application for two of which children, Mattie and Son appears in this record. Why didn't she say something about Reuben then if she wanted to make application? A I don't know. One was sick and they asked her for a lawful excuse.

Q Do you know if she ever did anything after she was told by that man that he would have to come in for himself? A I don't know. She gave the names to lawyer Wolfenberg.

Q Our records show that on April 25, 1904 Marinda Humphreys came in here and made application for herself and children and grand children. You state that after that application was all over she mentioned her son Reuben and children and said he could not come in here, and you claim the man told her he was old enough and he would have to come in for himself? A Yes, sir.

Q Do you know if anything was done from that time up to September 1, 1904? A She gave Wolfenberg the case, all the cases.

Q During the five months within which she had to come or to get Reuben to come, she didn't do anything but see a lawyer? A That's all I know.

Marinda Humphreys, being duly sworn, testified as follows:

Q You have testified in this case before? A Yes, sir.

Q When you came in here in April 1904 the record shows that you were asked about your grand children and the name of Reuben and his children does not appear therein. Do you claim to have said something about him after that, after the record was made. You say you spoke to a man here about it, that was after you were through giving testimony wasn't it? A Yes, sir.

Q Did you do anything further, you say you were told that Reuben would have to make application for himself? A Yes, sir.

Q Did you do anything to get him to make application in time?

A I gave it to a lawyer.

Q You didn't bring Reuben in here before September 1, did you?

A No, sir, I didn't know.

Q There was five months you had to get him in? A No, sir.

Q And the record shows that Mr. Wolfenberg didn't do it. We have a brief filed here, petition signed by you and that says nothing about Reuben Humphreys and his children, that was filed in December 1904? The lawyer said he would do that. I took the lawyer's word for it.

Q Why didn't you try to get Reuben in here? A I had been trying so much that I didn't know what to do.

Q From the time you claim April 25, 1904 that some one here told you that Reuben was of age and that he would have to make application for himself up to the other day here in 1906 when you appeared with Reuben, you yourself didn't do a thing to get him to make application? A No, sir only before a lawyer.

Q From the time you were told to get him to make application for himself you haven't appeared at this office? A No, sir, I didn't come again because I didn't know.

Q Didn't you apply to the Commission in 1896 for citizenship for yourself and some children, about ten years ago? A When they was down at Las, I applied then.

Q When did you apply for them do you remember? A All my children, Newton Alice and all of them.

Q You were denied by the Commission weren't you? A Yes, sir.

Q You didn't take an appeal to the court? A No, sir.

Q The indexes of applicants to the Commission for citizenship in the Creek Nation in 1896 examined and it appears therefrom that an application was made for Eddie, Lena, Marinda, Newton, Shaddie, Thomas and Willie Humphreys at that time, that said application was denied and that no appeal was taken from said decision of the Commission.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to
before me this 23 day of January 1908.

J. M. Dermott
Notary Public.

No. 2012.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Reuben Humphreys and his children, Beulah and Fred Humphreys as Creek Freedmen.

STATEMENT AND ORDER.

The record in this case shows that on January 18, 1906, Reuben Humphreys appeared before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and testified in the matter of an application alleged to have been made by his mother, Marinda Humphreys, for the enrollment of himself and his children Beulah and Fred Humphreys as Creek Freedmen. Further proceedings were had January 19, 1906. The affidavit of Flora Franklin executed January 17, 1906 is attached to and made a part of the record herein.

The evidence shows that an attempt is made to establish the fact that on April 25, 1904, Marinda Humphreys, in proceedings had in the matter of the application for the enrollment of herself and certain members of her family as Creek Freedmen, endeavored to make application also for her son Reuben Humphreys and his two children Beulah and Fred Humphreys as Creek Freedmen, but that the Commission to the Five Civilized Tribes refused to receive such application.

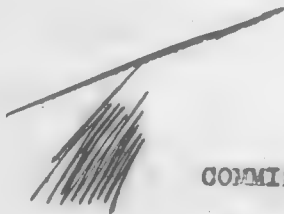
The records in the possession of this office show that on September 5, 1896 application was made to the Commission to the Five Civilized Tribes for the admission of Reuben Humphreys to citizenship in the Creek Nation and that said application was denied and no appeal taken therefrom. The records of this office do not show that the names of any of the applicants herein appear upon the authenticated tribal rolls of the Creek Nation.

A careful examination of the records in the possession of this office fails to show that an application of any character has been made for the enrollment of Reuben Humphreys or his children Beulah and Fred Humphreys as Creek Freedmen subsequent to the aforesaid decision in 1896 and prior to January 18, 1906.

The Act of Congress approved April 26, 1906,
(34 Stat., 137) provides in part as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Chectaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application."

I am, therefore, of the opinion, that in conformity with the doctrine set forth by the Department of the Interior in the Laura E. Akin case on May 25, 1906, (I.T.D. 9114-1906) this office is without authority to receive or consider any application for the enrollment of said applicants at this time, and I therefore decline to receive the same.



COMMISSIONER.

Muskogee, Indian Territory.

JAN 17 1907

Cr.En. 1013

Muskogee, Indian Territory, January 7, 1907.

Reuben Humphreys,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that you will be allowed ten days from this day within which to appear at this office with such witnesses as you may wish to have testify in the matter of the right to enrollment of yourself and two minor children, Beulah and Fred Humphreys, as Creek freedmen.

Respectfully,

Commissioner.

No. 1012.

Muskogee, Indian Territory, January 17, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Reuben Humphreys et al. as Creek freedmen, including the decision of the Commissioner denying said application, dated January 17, 1907.

Very respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Inc. CM-17-3

En. 1012.

Muskogee, Indian Territory, January 17, 1907.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Reuben Humphreys et al. as Creek freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

GM-17-2

En. 1012.

Muskogee, Indian Territory, January 17, 1907.

Reuben Humphreys,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and children, Beulah and Fred Humphreys, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.

CM-17-1

COPY

DEPARTMENT OF THE INTERIOR,
Land.
6307-1907. OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

February 21, 1907.

The Honorable,
The Secretary of the Interior.
Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 17, 1907, transmitting the record relative to the application made on January 16, 1906 for the enrollment of Reuben Humphreys and his two children Beulah and Fred Humphreys, as Creek freedmen. On January 17, 1907, the Commissioner held that he was without authority to receive or consider the application.

The record shows that on September 3, 1896, application was made to the Commission to the Five Civilized Tribes for the admission of Reuben Humphreys to citizenship in the Creek Nation and that such application was denied, and that no appeal was taken therefrom.

It is claimed on behalf of the applicants that on April 25, 1904, Marinda Humphreys, in proceedings had in the matter of the application for the enrollment of herself and certain members of the family as Creek freedmen, endeavored to make application also for her son Reuben Humphreys and his two children Beulah and Fred Humphreys as Creek Freedmen, but that the Commission to the Five Civilized Tribes refused to receive the application.

Commissioner Bixby says that the records of his office fail to show that an application of any sort was ever made for the enrollment of Reuben Humphreys or his children Beulah and Fred as Creek freedmen, subsequent to the decision of 1896, above mentioned, and prior to January 16, 1906, and that the names of the applicants are not upon any of the authenticated tribal rolls of the Creek Nation in his possession.

Under the provisions of the Act of April 26, 1906, (34 Stat. L. 137), the applicants are not entitled to enrollment.

It is therefore recommended that the decision of the Commissioner adverse to the applicants be approved.

Very Respectfully,

C. F. Larrabee,
Acting Commissioner.

J.P.R.-NL.

J.P.

C O P Y.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 4854, 4888, 4892-07.
4906, 4908, 4912, 4914-"
4916, 4918, 4886, 4822-"
LRS. 4842, 4910, 4900, -"

February 28, 1907.

DIRECT

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Louisa Bartley, (Freedman)	December 13, 1906.
Effie May Spilvan, et al, (Freedmen)	January 19, 1907.
Zepherina Ross, (Freedman)	January 19, 1907.
Thomas Thomas, deceased,	January 19, 1907.
Yah-piney, deceased,	January 18, 1907.
Irene Tucker, deceased, (Freedman)	January 17, 1907.
Owens Fleming, (Freedman)	January 19, 1907.
Willie Lindsay, deceased,	January 18, 1907.
Manoche (or Manichee) and Ina Johnson,	January 19, 1907.
Annie Salton, (Freedman)	October 13, 1906.
Henrietta Hollands (Freedman)	December 13, 1906.
Wichel Hadrick,	January 10, 1907.
<u>Ransom Humphreys, et al (Freedman)</u>	January 17, 1907.
Alice Humphreys, (Freedman)	January 19, 1907.

Copies of Indian Office letters submitting your reports
and recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above-mentioned
cases have been sent to the Indian Office.

Respectfully,

A.P.Mc
3-1-07.

James E. Wilson.
Assistant Secretary.

14 inc. and 28 for Ind.Of.

Or. En. 1912

Muskogee, Indian Territory, March 8, 1907.

Reuben Humphreys,

Muskogee, Indian Territory.

Dear Sir :--

You are hereby advised that under date of February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your self and two minor children, Beulah and Fred Humphreys, as Creek freedmen.

Respectfully,

Commissioner.

CR EN 1013

CR EN 1013

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 19, 1906.

In the matter of the alleged application for the enrollment of Sarah Parrish as a citizen of the Creek Nation.

SARAH PARRISH, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A Sarah Parrish.
Q What is your age? A About 37 as near as I can come to it.
Q What is your post office address? A Muskogee.
Q What was the name of your father? A Willis Loren; dead years ago.
Q Was he a states man? A Yes, sir.
Q What is the name of your mother? A Flora Franklin.
Q Is she living? A Yes, sir.
Q Did you yourself ever make any application for enrollment as a Creek freedman? A No, sir.
Q Did any one make one for you? A My mother did.
Q How do you know she did? A She told me so.
Q When did she tell you that? A After she came before the Dawes' Commission.
Q When was that? A I don't know the date of the year but it was before I went before Mr. Wolfenberg. I don't know how long it has been.
Q When did you go before Mr. Wolfenberg? A This last past summer, a year ago.
Q What did your mother tell you? A She told me she had made application for me before the Dawes Commission; at least she tried to make application for me but they said all the grand children had to come themselves.
Q Did she tell you that at the time? A She told me the same day she made application for herself.
Q From that time-April- till September why didn't you do something yourself? A I was unable to come.
Q You understood her to state that she had tried to apply for you and that you had to apply for yourself? A Yes, sir.
Q And you never did a thing in the five months remaining in the time specified for your own application? A At the time she came here I was sick in bed, very sick.
Q You never came before the Commission in those five months? A No, sir I didn't come.
Q Where were you living at that time? A On the hill.
Q Where is that? A In Muskogee.
Q And you mean to say you were sick and unable to move from April to September? A I didn't say I was sick all that time.
Q You said you went before Wolfenberg in the summer of 1904, if you were unable to come before the Commission how could you go to Mr. Wolfenberg? A The commission wasn't taking applications.
Q Why didn't you come up here? A They had an answer that they was denied and that they had to go to an attorney to get the case opened.
Q Don't you claim that Flora Franklin told you that you had to make application for yourself? A I was unable to com..

Q Not all the summer of 1904? A They had denied us then.
Q You can't show a letter that you were denied. You weren't considered in any case. There was no application for your enrollment? A All I know is what they told me.
Q And although you claim she told you you had to come in yourself you never came? A I never came.
Q Any rights you may have as a citizen of the Creek Nation come through your mother; that's the only way you claim, through your mother? A Yes, sir.

MARINDA HUMPHREYS, being duly sworn testified as follows:

BY COMMISSIONER:

Q What is your name? A Marinda Humphreys.
Q What is your age? A I don't know. I say something like forty.
Q What is your post office address? A Muskogee.
Q Do you know Sarah Parrish? A Yes, sir, she is my sister.
Q You appeared here April 25, 1904 and made application for enrollment? A Yes, sir.
Q Did Flora Franklin appear at the same time? A Yes, sir.
Q Do you know anything about the alleged application by her for the enrollment of said Sarah Parrish? A Yes, sir, she mentioned her name.
Q How do you know? A I was here.
Q Does that prove she mentioned it because you were here? A I heard her.
Q What did she say? A She said she would like to enroll Sarah Parrish and her children.
Q Are you sure of that? A Yes, sir.
Q Tell me the exact words she used? A She called her name, said she wanted her child enrolled, Sarah Parrish and one child.
Q I asked you to say the exact words? A My recollection is she said she wanted to have Sarah's name put down, put in the application and one child.
Q Is that all she said? A She said more. She called the other children's names too.
Q Whose other children's names? A Hers.
Q Is that all she said about that? A That's all she said on the Sarah Parrish case. And he said they was all of age and would have to speak for themselves.
Q Are you sure that's all she said? A That's all I recollect.
Q She told them that Sarah was sick.
Q Tell all that she said? A That's all I know.
Q Tell it over again. A All I remember she mentioned Sarah Parrish's name and her children and wanted them put down and he said all them of age had to come for themselves and she said Sarah Parrish was sick in bed. That's all I recollect.
Q Did she mention Sarah Parrish's name? A Yes, sir.
Q Why didn't you state that when I gave you so many opportunities to state all she said? A I don't know.
Q You were asked two or three times to state all that she said and you finally after saying two or three other things said that, why do you now when asked if she mentioned all the children's names say yes? A Just because it comes to me.
Q Did they ask how old that child of hers was? A I don't remember.
Q What did she say its name was, the name of the child of that Parrish woman? A Sammie.
Q Are you sure she said it was Sammie? A That's what I heard her say.
Q Just Sammie? A Yes, sir.
Q Are you sure she didn't say she wanted to apply for Flora Franklin and her child? A I don't remember all about it.

Did you ever hear Flora Franklin tell this Parrish woman that she had tried to make application for her and that she was told that grown ones had to make application for themselves? A No, sir I never did.

Q Do you know if this Parrish woman knew that grown ones had to make application for themselves? A I don't know whether she knew or not.

Q Is Flora Franklin here today? A No, sir she is home sick in bed.

ALICE LEWIS, being duly sworn, testified as follows:

Q What is your name? A Alice Lewis.

Q What is your age? A Twenty eight.

Q What is your post office address? A Muskogees.

Q Do you know Sarah Parrish? A Yes, sir.

Q Any kin to you? A My aunt .

Q You appeared before the Commission in April 1904 did you? A Yes

Q Was Flora Franklin here then? A Yes, sir.

Q Do you know anything about an alleged application made by Flora Franklin for Sarah Parrish? A Yes, sir.

Q You made an application to the Commission for admission in 1896 didn't you? A I don't know the date.

Q About ten years ago? A Yes, sir.

Q Was that for yourself alone? A Yes, sir.

Q That was denied by the Commission? A Yes, sir.

Q You didn't take any appeal to the court? A No, sir.

The indexes of applicants for 1896 examined and it appears that Sarah Parrish made application and that her case was rejected and no appeal was taken thereon.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before
me this 23 day of January 1906.

H. H. Harris
Notary Public.

Gr.No. 1013.

Muskogee, Indian Territory, January 7, 1907.

Sarah Parvish,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that you will be allowed ten days from this date within which to appear at this office with such witnesses as you may wish to have testify in the matter of your right to enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Cr. En. 1013.

JLDe.
CM

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Sarah Parrish as a citizen of the Creek Nation.

STATEMENT AND ORDER.

The record in this case shows that on January 19, 1906 Sarah Parrish appeared at this office and gave testimony regarding an application for her enrollment as a citizen of the Creek Nation, which she alleges to have been made by her mother, and her said testimony will be treated as an original application and will receive consideration as such.

The records of this office do not show that any application for the enrollment of Sarah Parrish was ever made prior to January 19, 1906, but it appears from said records that an application was made for the admission of Sarah Parrish to citizenship in the Creek Nation under the Act of June 10, 1896, and the said application was rejected by the Commission to the Five Civilized Tribes, and that no appeal was taken therein.

An examination of the tribal rolls of the Creek Nation fails to discover the name of Sarah Parrish thereon, and on the authority of the action of the Department in the case of Laura E. Akin (I.T.D. 9114-1906) it is found that there is no continuing application for the enrollment of said Sarah Parrish as a citizen of the Creek Nation.

I am, therefore, of the opinion that no application having been made for the enrollment of Sarah Parrish as a citizen of the Creek Nation prior to January 19, 1906, I am now without authority to receive or consider this application for her enrollment and the same is accordingly dismissed.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 21 1907.

REFER IN REPLY TO THE FOLLOWING:

Cr. In. 1013.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 21, 1907.

Sarah Parrish,
General Delivery,
Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the statement and order of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, dismissing the application for your enrollment as a citizen of the Creek Nation.

Respectfully,



Commissioner.

Register.
DM-426.

CR EN 1014

CR EN 1014

En 1014

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 11, 1906.

In the matter of the application for the enrollment of Joseph Bishop as a Creek Freedman.

JOE BISHOP, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Joe Bishop.
Q Is it Joe or Joseph? A Joseph Bishop.
Q Joseph Bishop is your correct name is it? A Yes, sir.
Q How old are you? A Twenty-three years old.
Q What is your post office address? A I haven't got any.
Q Where are you going to get your mail? A Here at Muskogee.
Q What is the name of your father? A Alex Bishop.
Q Is he living? A No, sir.
Q What is the name of your mother? A Elnora Bishop.
Q Is she living? A Yes, sir.
Q What was her post office address? A Muskogee.
Q Is your father, Alex Bishop, a citizen of the Creek Nation? A Yes, sir.
Q To what Creek Indian Town did he belong, do you know? A Muskogee.
Q There are forty-seven Creek Indian Towns in the Creek Nation. Do you know which one of them he belonged to? A No, sir.
Q Is your mother a citizen of the Creek Nation? A Yes, sir.
Q Do you know whether she was ever known by any other name than Elnora? A Yes, sir.
Q What was it? A I don't remember-----Ellen Terril.
Q Are you sure she was a citizen of the Creek Nation? A Yes, sir.
Q Have you any brothers and sisters here? A No, sir, none living.
Q Did you ever have any enrolled? A I don't remember.
Q Where were you born? A Right her in Muskogee--near old man London's place.
Q How long did you live in the Creek Nation? A I left here when I was nine years old.
Q Where did you go when you left here? A St. Louis, Mo.
Q How long did you stay there? A About two years.
Q Then where did you go? A Chicago, Ill.
Q How long did you stay there? A Stayed there one Spring.
Q Then where did you go? A Back to St. Louis.
Q How long did you stay in St. Louis? A One Summer.
Q Then where did you go? A Hot Springs, Ark.
Q How long did you stay in Hot Springs? A Two years.
Q Where did you go then? A New Orleans, La.
Q How long did you stay there? A One winter.
Q Then where did you go? A To St. Louis.
Q How long did you stay? A A Little over two years.
Q Then where did you go? A Hot Springs.
Q How long did you stay in Hot Springs that time? A Stayed there one Winter.
Q Then where did you go? A Back to St. Louis.
Q How long did you stay that time? A One winter.
Q Then where did you go? A Springfield, Ill.
Q How long did you stay there? A About six months.
Q Then where did you go? A Came back to Joplin, Mo.
Q How long did you stay there? A A little over a year.
Q Then where did you go? A Hot Springs, Ark.
Q How long did you stay? A One winter.
Q Then where did you go? A Came here.

En. ____--2.

- Q Have you been here ever since? A Yes, sir.
Q When did you come here? A I came here in June.
Q What year? A This year.
Q Came here in June of this year and been here ever since? A Yes, sir. Been over to Okmulgee.
Q Was that the first time you had been in the Creek Nation since you left at nine years of age? A Yes, sir.
Q Did you ever draw any money in the Creek Nation? A No, sir.
Q Do you know whether any money was ever drawn for you? A No, sir.
Q Do you know the names of any witnesses who would know whether any money was drawn for you? A No, sir.
Q Do you know whether you were ever on any of the Tribal Rolls of the Creek Nation? A No, sir, I don't know.
QQ Do you know whether you were ever admitted by the Creek Council to citizenship in the Creek Nation? A No, sir.
Q Did you apply to the Dawes Commission, in 1896, to be admitted to citizenship? A I don't know.
Q Did any one ever apply for you? A I don't know.
Q Do you know whether an appeal was taken from the decision of the Commission, in 1896, to the United States Court? A I don't know.
Q I asked you if you had any brothers and sisters who were enrolled and you said none living. Do you remember the names of any of your brothers and sisters? A No, sir.
Q Do you remember whether any of them were enrolled? A No, sir.
Q Do you know the name of your father's father? A No, sir.
Q Do you know the name of your father's mother? A No, sir.

On Old Freedman Census Card, in vault, family number 464, appears the name "Jos Bishop" age 11 years, blood colored, post office Ft. Gibson, Cherokee Nation.

Notations appear on said card as follows: "A son of Alex and Ellen Bishop. Ellen is a Cherokee freedman and lives at Ft. Gibson & has the child with her. Alex lives in the Creek Nation. Ellen don't (know) who Alex master was, neither does she know his father's name but says his mother's name was An-i-oa Thomas & she was related to McIntoshes."

"Alex Bishop was enrolled at Lee on Card 760 and was a former slave of Susan McKellop."
"Arkansas Town."

- Q Do you know anything more about your parents? A No, sir.
Q Do you know any one who could give information about your right to enrollment as a Creek citizen or about the rights of your parents?
A Yes, sir.
Q Have you those witnesses with you now? A No, sir.
Q Do you want some time within which to get them here? A Yes, sir.

Applicant is advised that twenty days will be allowed him within which to produce witnesses in this case.

- Q Do you claim now as a citizen of the Creek Nation? A Yes, sir.
Q Do you claim any Indian blood? A No, sir.
Q You claim as a Creek Freedman do you? A Yes, sir.

By witness: I have no regular post office address and want my mail addressed in care of Donovan & Griesel, Attorneys, Muskogee, Indian Territory.

---ooo000ooo---

No. _____-3.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 11 day of Jan, 1906.

J. M. Dermott
Notary public.

- # 1 - 6

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 23, 1906.

In the matter of the application for the enrollment of
Joe Bishop as a Creek freedman.

ED LONDON, being duly sworn, testified as follows:

- Q What is your name? A Ed London.
Q What is your age? A Seventy nine.
Q What is your post office address? A Muskogee.
Q Do you know Joe Bishop? A Yes, sir.
Q What is his correct name, Joe or Joseph? Joe Bishop.
Q When did you see him last? A I seen him the other day. He came in the shop. I saw his mother too.
Q What kind of a looking fellow is he? A A little fellow, sick all the time. He got burned.
Q Does he go about the streets with bandages? A Yes, sir.
Q Where was he bandaged? A On his hands and head.
Q How old is Joe Bishop? A About 20 somewhere. Joe is an old boy.
Q How long have you lived in the Creek Nation? A I was raised here.
Q Never been out of the Creek Nation? A Yes, sir.
Q Have you been out of the Creek Nation in the last twenty years?
A No, sir.
Q Twenty five years? A Right here.
Q Did you know Joe Bishop's father? A Yes, sir.
Q Is he living? A I think he is dead.
Q What was his name? A His name was Alec.
Q Was he a citizen of the Creek Nation? A They was Creeks.
Q Were they enrolled? A I couldn't tell you about that.
Q Did you know his mother? A Yes, sir. I saw her the other day.
Q What is her name? A Elnora.
Q Elnora what? A I couldn't tell you, she's been married so many times.
Q Did you ever know her by any other name? A Ever since I knew her she's called Elnora.
Q Did you ever know her to be called Elnora Bishop? A No, sir.
Q Are you sure you never heard her called anything but Elnora?
A Yes, sir.
Q You never heard her called Ellen did you? A No, sir. Called her Elnora since I ever knew her.
Q Do you know of any one could identify her better than that?
A Several folks know her.
Q Do you know where Joe Bishop is living? A He told me he was staying at Patay McIntosh's.
Q Do you know where he was born? A Across the river.
Q In the Creek Nation? A Yes, sir.
Q How do you know that? A Because when I first saw him he was over there, a little bit of a child.
Q How long did he stay in the Creek Nation? A He stayed there until he got to be a good big boy.
Q How old was he when he left? A I couldn't tell how old.
Q Has been out ever since until less than a year ago? A Yes, sir.
Q You didn't see him from the time he left until he came back.

here six months ago, how do you know its the same boy? A He came to my house and inquired for his mother and I told him his mother was at my daughter's house.

Q Did you see his mother recognize him? A Yes, sir.

Q Does Elnora live near you? A When he came back from Hot Springs he came to my house and inquired for his mother and I told him she was at my daughter's house.

Q What was she doing at your daughter's house? A Just staying there.

Q How long has she been away from there? A I couldn't tell

Q Has it been a year? A It was last year when the boy came back.

Q You stated a while ago that both Joe's parents were Creeks, do you know if Elnora or Ellen his mother as you stated is a citizen of the Creek Nation? A His mother is a Cherokee.

Q That shows what kind of an idiot you are, you said she was a Creek A I didn't say so.

Q Do you know the name of the father of Joe Bishop's father, the one you said was Alex? A Yes, sir.

Q What was it? A His name was Billy, old man Billy and his mother Anica.

Q What was the name of Alex mother? A I just said it.

Q Do you know the name of Alex's owner if he had one? A He used to stay with a man they called McKellop but I don't know if he owned him or not.

Q Do you know if this boy Joe Bishop has ever been enrolled by the Commission? A I don't know.

Q Don't know if he is enrolled either as a Creek or as a Cherokee? A I don't know.

Q Do you know if he ever went by any name except Joe Bishop? A I don't know.

Q Do you know if any attempt was ever made to have him put on any of the rolls of the Creek Nation? A No, sir, I don't know.

Q Do you know if he ever applied to any of the proper authorities to be admitted to citizenship in the Creek Nation? A I don't know.

Q Did he belong to any Creek Indian town do you know? A I couldn't tell you about that.

Q Do you know if his father belonged to any Creek town? A I don't know.

Q Or if his father belonged to any Cherokee town or band? A His mother belonged to some Creek but I can't call her name Alex mother.

Q I am asking you about the mother of Joe Bishop, does she belong to any Cherokee district over there? A I don't know.

Q Do you know if his mother is enrolled as a Cherokee? A I couldn't tell you anything about that.

Q Are you sure this boy is at least twenty years old? A Yes, sir.

Q Do you know how much older than twenty he is? A I can't tell.

He is an old boy but he is stunted some way or other.

Q How old is he? A I tell you about twenty.

Q Is he more than twenty? A That's as near as I can get at it.

Q How do you know he is twenty? A I have known him so long I know he is bound to be twenty.

Q When was the first time you saw him? A When he was a little baby.

Q When was that? A That was way a good while ago.

Q Can't you tell the year? A I can't tell.

Q How many years ago? A I couldn't tell.

I, Anna Garrigues, state on oath that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 24 day of January 1906.

Dennau Shaggs
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 14, 1906.

En.1014

In the matter of the application for the enrollment
of Joe Bishop as a Creek freedman.

EMMA BISHOP, being duly sworn, testified as follows:

- Q What is your name? A Emma Bishop.
Q What is your age? A About 26 or 27, I don't know exactly.
Q What is your post office address? A Muskogee.
Q How long have you lived here? A I don't live right in Muskogee
Q How long have you lived at your present home? A I couldn't
exactly tell how many years but a long time.
Q Ten years? A Over ten years.
Q Are you married now? A Yes
Q Are you a citizen of any of the Five Tribes? A No, sir.
Q Just a negro woman? A Yes
Q What is the name of your father? A Tom Perkins.
Q What is the name of your mother? A Annie Perkins.
Q Have you ever been out of the Creek Nation to live? A No, sir.
Q Been here ever since you were born? A Ever since I was a child.
Q Where did you live before you lived out here close to Muskogee? A
At Eufaula.
Q And where before that? A In Augustine Texas.
Q Are those the only two places in the Creek Nation you have ever
lived? A Yes, sir.
Q You are sure of that? A Yes, sir.
Q Ever live in the Cherokee Nation? A No, sir.
Q Can you read and write? A Not much; a little
Q How do you spell your first name? A Emma.
Q You never lived in Okmulgee, Lee or Poynton? A No, sir.
Q Have you ever been married? A I was married to Alex Bishop.
Q Only married once? A That's all.
Q Sure you were married that time? A Yes, sir we got a license.
Q Where was that license issued, in Muskogee? A Yes, sir.
Q Is your husband Alex Bishop dead? A Yes, sir.
Q When did he die? A It was three years the 6th of April.
Q Did you ever make out an affidavit about his death? A No, sir.
Q Didn't you ever swear that he was dead? A Yes, sir I think it
was in this place directly after he died.
Q How did you sign your name at that time? A Emma or Emma.
Q How long had he been dead when you made that affidavit? A That
same year.
Q Do you remember the name of the one who made an affidavit at
the same time you did? A No, sir.
Q Didn't Sandy make one the same day? A Yes, Sandy Ponds.
Q When did you marry? A I don't know what year.
Q How long had you been married to him at the time of his death?
A I couldn't tell unless I had the license. It slipped my memory
but I remember we staid together quite a while; I was the mother of
three children before he died.
Q What is the name of this one you want to apply for now? A Joe
Bishop.
Q Joe? A Yes
Q When was Joe born? A 1902; he will be four the 7th of this
coming August.

Q Did you ever make any application for his enrollment as a citizen of the Creek Nation? A No, sir I was sick at the time they were enrolling before and when I got so I could stir they had closed up.

Q Did you have a midwife or physician when the child was born? A Yes

Q What was the name of that party? A Leah Ponds.

Q Where is she? A Out there.

We want her to make an affidavit.

Witness is advised that this office requires the original or a certified copy of her marriage license and certificate.

Q How many children did you say you had by Alex? A Three.

Q What is the name of the eldest? A Almata.

Q Is she living? A Dead.

Q When did she die? A 1900.

Q You filed for her? A Yes.

Q What is the name of the next? A Anna

Q Is she living? A Dead.

Q When did she die? A It will be three years the 10th of August, the same year her father died. He died in April and she in August.

Q Do you know what Creek town Alex belonged to? A No, sir.

Q Do you know the name of his father? A No, sir neither his mother.

Q All the children you ever had were by him? A Yes

Q Did you know Alex before you married him? A No, sir not until we commenced corresponding and then we married in about a year.

Q And you didn't know him before that? A No, sir.

Q After you got acquainted with him and married him did you ever hear he was married before? A No, sir

Q Did he ever tell you about his former wife or wives? A No, sir.

Q Did you ever hear of any children by other women that he had?

A Yes.

Q What child? A One named Frederick; I never saw him until after the death of Alex.

Q Any others? A No, sir.

Q What was the name of the mother of Frederick? A They called her Babe but I don't know her name.

Q Citizen of any of the Five Tribes? A Yes Creek Nation.

Q Did you ever hear that he had an older child, a boy pretty near of age by the name of Joe Bishop? A No, sir.

Q He never told you about that? A No, sir.

Q Did you ever come up here at all and try to file for this boy?

A No

Q What was done that you know of? A I don't know.

Q Don't know that anything was? A No sir I was sick and as soon as I could stir it was too late. Charley Ponds came up and he said it was too late.

Q You are sure this little fellow was born before Alex died? A Yes

Q How do you spell your name? A I always put two n's to it.

Q You signed it Humer Bishop is that right? A Yes.

CHARLIE PONDS, being duly sworn, testified as follows:

Q What is your name? A Charlie Ponds.

Q What is your age? A Thirty three.

Q What is your post office address? A Tallahassee.

Q Do you know this applicant here? A Yes

Q How long have you known her? A Quite a long while.

Q Did you know her alleged husband Alex Bishop? A Yes, sir.

Q Did you know him before he was married to this woman? A Yes, sir

Q When did he marry this woman? A I couldn't tell what year but a good while.

Q You are sure he was married to her? A Yes, sir.

Q Do you know this child here Joe Bishop? A Yes, sir.

Q What was the name of its father? A Alex Bishop.

Q Sure of that? A Yes, sir

Q Do you know Alex's fathers name? A No, sir, knew his mother's name. We called her Annaka.

Q You are sure he was the father of this child? A Yes, he was living with the woman when he died.
Q Did you ever hear of him having any children by any other woman?
A Not when he was with this woman.
Q Before? A I knew before.
Q What is his name? A We called him Fred.
Q How old is he? A I don't know but I guess he is of age.
Q Where has been? A His mother lives out close to Cheska.
Q That is all you ever heard of? A To my knowing that is all.
Q Of course he had other children, that's by this woman.
Q I mean by other women? A That's all I know.
Q Do you know to what Indian town Alex belonged? A Arkansas if I mistake not.
Q Do you know Sandy Ponds? A Yes, sir.
Q Any kin to you? A My brother.

Fred, the child referred to, is enrolled as Fred Perryman along with his stepfather John Perryman.

I, Anna Garrigues, on oath state that the above and foregoing is true and correct transcript of my stenographic notes as taken in said cause on said date.

(Signed) Anna Garrigues

Subscribed and sworn to before me this 21 day of May 1906.

(Signed) H. G. Hains.
Notary Public.

(SEAL)

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
OCTOBER 2, 1906.

M.B.F. 107.

In the matter of the application for the enrollment of
Joe Bishop as a Creek Freedman.

APPEARANCES: John G. Lieber, acting for M. L. Mott,
attorney for Creek Nation.
Erwin Donovan, on behalf of Applicant.

Emma Bishop being first duly sworn by Henry G. Hains, a
Notary Public, testified as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Emma Bishop.
Q: How old are you? A: Between 26 and 27, I don't know
exactly how old I am.
Q: Do you think you are older than 27? A: I may be and I may
not, I couldn't tell.
Q: You don't think you are over 28, do you? A: No sir.
Q: What is your post-office address? A: Muskogee.
Q: Are you the same Emma Bishop who appeared here on May 14,
1906 and testified in the matter of the application for
the enrollment of your minor child, Joe Bishop as a Creek
Freedman? A: Yes sir, I am the one.
Q: What is the name of the minor child about whom you testified
A: Joe Bishop.
Q: How old is Joe? A: He is 4 years old, this 7th. day of
August.
Q: What was the name of the father of this Joe Bishop?
A: Alex Bishop.
Q: Is he a citizen of the Creek Nation? A: Yes sir.
Q: When did Alex Bishop die? A: 3 years the 6th. of April.
Three years ago this last April.
Q: Then he died April 6, 1903, did he? A: Yes sir.
Q: How long were you married to Alex Bishop? How many years?
A: I couldn't tell, I could tell you when I had the license,
but it has slipped my memory, the license got burned up.
Q: How many years do you think? A: It is over 5 I know.
Q: Did you have any other children by Alex Bishop?
A: Yes sir, he is dead.
Q: Was that deceased child born before this child Joe Bishop?
A: Yes, both of them was older than Joe.
Q: You had two children besides Joe by Alex Bishop, did you?
A: Yes sir.
Q: And both of those children that were born to you died
before Joe died, did they? A: Yes sir.

- Q: How long were you acquainted with Alex before you married him? A: I never knew him but about a year before we was married. Just about a year.
- Q: Did he ever tell you about having been married before he married you? A: No sir, he said he never had been married before. He told me that and he said it across the river where he was living and they heard him say it.
- Q: Do you know what month you were married in? A: No, I don't know what month it was in.
- Q: Can you name any persons who would be able to testify as to whether Alex Bishop was ever married before he married you? A: Can I name them?
- Q: Can you name any persons? A: I can't name any in town, there is plenty across the Arkansas river where I was living.
- Q: These people who you refer to, were they people who knew Alex all his life? A: Yes sir.
- Q: Name some of them? A: Amos Jamison, Mose Jamison, Charles Ponds, Sandy Ponds. All his people live over there.
- Q: Are all of these people which you mentioned related to Alex? A: Yes sir, they are.
- Q: Did you ever hear him speak about a child that he had by any former wife, or a child that he ever had by the name of Joe Bishop? A: All he told me was Frederick Bishop and I never seed him until after the death of Alex.
- Q: How old a boy was Frederick Bishop when you saw him? A: A good sized boy, between 16 or 17 years.
- Q: When was that? A: The same year Alex died.
- Q: Then this Frederick Bishop would be about 18 or 19 years old now, would he? A: Yes sir, when I saw him he was 16 or 17 years old.
- Q: He might be 19 or 20 wouldn't he? A: He might be because I didn't see him until after the death of Alex.
- Q: What sort of a looking boy was this Frederick Bishop? A: A little black low fellow.
- Q: Was he low set? A: Yes sir he was low set.
- Q: Did he look like he was afflicted with any disease? A: No sir.
- Q: Was he healthy looking? A: Yes sir, I seed him in July, I seen him.
- Q: He had nothing the matter with his hands or face? A: No sir.
- Q: Did he ever make application to be enrolled as a Creek Freedman, this boy Fred?
- A: I don't know, they said both him and his mother was living.
- Q: What was the name of Fred's mother?
- A: Julia Perryman I think, we always called her Babe.
- Q: Do you know whether Alex was ever married to Julia or Babe Perryman? A: No sir, he was never married to her.
- Q: Did he ever live with her as man and wife? A: No sir.
- Q: What did you hear to that effect, that he did or did not? A: He told me he did not, I am just taking his word for it.
- Q: I was on this side of the river then.
- Q: Is this Julia or Babe Perryman a citizen of the Creek Nation? A: Yes sir.
- Q: Do you know how long this boy Fred has lived in the Territory? A: All his life.

- Q: Did you ever hear of any other Alex Bishop a citizen of the Creek Nation or a resident of this Territory?
A: No sir I never did, I have not.
Q: Do you know or did you ever hear of any Ellen or Elnora Bishop living here in town or in the Creek Nation?
A: No sir, never did.

Statement by Commissioner:

The examination of the records in the possession of the Clerk of the United States Court for the Western District of Indian Territory shows that Marriage license was issued to Alex Bishop and Miss Emma Bishop, both of Muskogee, Indian Territory on February 13, 1896. The age of Alex on said license is shown as 40 and Emma as 23 years of age.

- Q: Who married you and Alex? A: Mr. Boyd.
Q: Rev. Boyd was it? A: Yes sir.

The marriage certificate on file with said Clerk shows that one H. Boyd was the minister who performed the ceremony.

It is requested ~~that~~ by Attorney for Applicant that a statement appear in the record to the effect that the name of Joe Bishop appears on the omitted 1891 roll, of citizens of the Creek Nation.

Also that the name of Joe Bishop appears on old census Card prepared in 1896, 1897 or 1898. It appears from said card that he is the child of Alex and Ellen Bishop.

Attorney for Applicant requests to be permitted to see the 1891 roll and examine it.

On request of Attorney for Applicant he is granted permission to look over the 1891 omitted roll for the purpose of seeing the name of Joe Bishop, which is contained thereon.

Acting attorney for Creek Nation objects to the Commissioner exhibiting this roll or any other roll of the Creek Nation to the applicant, his counsel or any other applicants or their counsels, because applicants are expected to identify themselves from testimony as persons who appear upon the rolls of the Nation. And the rolls ~~and~~ not to be exhibited to them for the purpose of aiding them in making the identifications.

The identification should be made from testimony absolutely independent of the roll.

This is all the evidence taken in said cause on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval.

Subscribed and sworn to before
me this 2 day of October, 1906.

W. H. Hains

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY,
OCTOBER 5, 1906.

Cr. En. 2014.

In the matter of the application for the enrollment of
Joe Bishop as a Creek Freedman.

APPEARANCES: John G. Lieber, acting for M. L. Mott,
attorney for the Creek Nation.
Erwin Donovan, attorney for applicant.

Joe Bishop being first duly sworn by Henry G. Hains, a
Notary Public, testified as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Joe Bishop.
Q: You have testified heretofore have you? A: Yes sir.
Q: Where do you live now, Joe? A: I ain't living anywhere
now, I have been staying out there by the Midland Valley
Coal chute, by the Midland Valley Depot.
Q: What is the name of your mother, Joe? A: Elnora Bishop, is
her right name.
Q: Did you ever know her by any other name? A: Ellen Terrell.
Q: Any other name? A: No sir.
Q: Did you ever hear her called Ellen Payne? A: Yes sir.
Q: Was that her maiden name, do you know? A: Yes sir.
Q: Do you know where she is now? A: No sir, I do not.
Q: How long has it been since you have seen her?
A: Three months.
Q: Where did you see her three months ago?
A: She was living out here by the Midland Valley coal chute.
Q: That is away East of Town? A: Yes sir.
Q: In the South-east part of Town? A: Yes sir.
Q: With whom was she living there, do you know?
A: No sir, I don't know the man's name she was staying with him.
Q: Staying with some man out there? A: Yes sir.
Q: In his house? A: Yes sir.
Q: Was he a white man or a colored man? A: A colored man.
Q: Do you know whether she is married to that man?
A: No sir, she is just keeping house for him.
Q: Are those the only names you have known your mother by?
A: Yes sir.
Q: Elnora Bishop or Terrell or Payne? A: Yes sir.
Q: Have you looked for your mother today? A: Yes sir.
Q: Couldnt you find her? A: No sir, I couldn't find her
I have looked for her and couldn't.

(Witness referring to Mr. Cook)

- Q: Do you remember your father Joe? A: Yes sir.
Q: Is Alex living? A: No sir, he is dead.
Q: Do you know when he died? A: No sir, I wasn't here when he died.
Q: Do you know how many years? A: No sir, it has been quite a while though.
Q: How old were you when you last saw him? A: I was 18 years old.
Q: Did he die right after you last saw him? A: Yes sir.
Q: Where was Alex living when you last saw him? A: He was living down at Ed London's place, right across the street from him.
Q: Here in Muskogee? A: Yes sir.
Q: Did Alex die right here in Muskogee? A: Yes sir, I think he did.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Is your mother's name Elnora or Ellen? A: Elnora.
Q: Is she ever known by the name of Ellen? A: They generally always call her Ellen, Mr. London and all of these people here call her Ellen but others call her Elnora.
: Elnora Bishop is her right name, that is her first husband's name, Bishop.
Q: What name is she going by now? A: Ellen Terrell I believe.
Q: She was married to a fellow by the name of Terrell was she?
A: Yes sir.
Q: What was his given name? A: I don't know, I have never seen him, I never did see him.
Q: Did you ever hear his given name called? A: No sir.
Q: Is she married now or not? A: If she is, she is not living with the man. No sir, I don't think she is.
Q: Well you say her name was Payne? A: Yes sir.
Q: Well was she married to anyone by the name of Payne?
A: No sir, not that I know of.
Q: What was her father's name? A: I don't know sir.
Q: What was her mother's name? A: I don't know that either.
Q: Did you ever see her father or mother? A: No sir.
Q: Did you ever hear her call their names? A: No sir.
Q: About how old is your mother, Joe? A: I couldn't say, she is right close to 40 I guess.

This is all the evidence given in said cause on said date.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before me
this 6 day of October, 1906.

H. E. Harris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
OCTOBER 10, 1906.

Enrollment-1014.

In the matter of the application for the enrollment of
Joe Bishop, as a Creek Freedman.

APPEARANCES: Irwin Donovan, attorney for Applicant.
John G. Lieber, acting for M. L. Mott,
attorney for Creek Nation.

ELLEN TERRILL being first duly sworn by Henry G. Hains, a
Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Ellen Terrill.
Q: How old are you? A: 43.
Q: What is your post-office address? A: Braggs.
Q: Are you known by any other name than Ellen?
A: I have a nick-name they call me Elnora sometimes.
Q: Have you ever had anyb other name than Terrill?
A: Yes sir.
Q: Where did you get the name of Terrill?
A: I was married to Terrill.
Q: What was his name? A: W. M. Terrill.
Q: Was he a citizen of any of the Five ~~Civilized~~ Nations?
A: No sir.
Q: A negro, was he? A: Yes sir.
Q: What was your name before it was Terrill? A: Payne.
Q: Where did you get that name? A: I married him.
Q: What was his name? A: Jackson Payne.
Q: What was your name before it was Payne? A: Marshall.
Q: Where did you get that name? A: I married it.
Q: Married a man named Marshall, what was his name?
A: Budkin Marshall.
Q: What was your name before it was Marshall? A: Still.
Q: Where did you get that name? A: My father's name.
Q: What was your father's name? A: Tom Still.
Q: What is your mother's name? A: Harriet Woodall.
Q: Are either of your parents living? A: No sir.
Q: Have you ever made application for enrollment as a citizen
in the Cherokee Nation? A: Yes sir. Only I disremember
now what year it was, but it was the year they was enroll-
ing in the Cherokee Nation at Fort Gibson at the time of
the big payment.
Q: About 10 years ago? A: I disremember how many years
it was, but that is when it was.
Q: When Hern Clifton was paying them off? A: Yes sir.
Q: Under what name did you make application for enrollment?
A: Payne.

- Q: Did you make application for enrollment for anybody else besides yourself? A: Joe. My boy Robert. They call him Joe by his Uncle's name but his right name is Robert.
- Q: Did you apply for anybody else at that time? A: Mary.
- Q: Did you ever make application for the enrollment of yourself or anybody else in any other Nation? A: No sir.
- Q: Is this Joe or Robert you speak of, your oldest child?
- A: No sir, Mary is the oldest one.
- Q: Where did you live before you went to Braggs?
- A: Before I went to Braggs I lived right here in Muskogee a good while I worked here.
- Q: Did you ever live at 905 Market Street? A: Yes sir, I stayed with Mrs. Thurman.
- Q: A white woman? A: No sir she is a colored woman, I stayed with her a while, while her husband was away.
- Q: Have you seen your boy Joe or Robert recently?
- A: No sir I haven't saw him ---let's see, I disremember just now--- I think it was in May, I believe.
- Q: Of this year? A: Yes sir. That is when I saw him last when I left him here, I was sick already, I got so I couldn't work and went in the country. He went away with the races.
- Q: Do you mean May of this year? A: Yes sir.
- Q: How old was Joe at that time? A: You mean my boy?-- He is 19 years old.
- Q: What kind of looking boy was he, is he small?
- A: He is a small, spare man, dark ~~skin~~ skinned, very dark.
- Q: What was the condition of his health at that time?
- A: He had been burned very bad, but of course I don't think it taken any effect on his health but it left him lame in his arm and leg.
- Q: Didn't he have any sores on his face or body?
- A: Yes, they healed up but they left scars on his neck and face and arms and pretty much all over.
- Q: You say he was here at the time of the races?
- A: Yes sir he was running the races at the time I last saw him. I heard he left and went to Denison, and I heard he was back here since, but I was in the Cherokee Nation and didn't see him.
- Q: What was the name of his father? Alex Bishop.
- Q: Were you married to his father? A: No sir.
- Q: Never went by the name of Bishop, did you?
- A: No sir, I never went by that name, he wasn't married to me.
- Q: Did you have any other children by Alex? A: No sir, just that one.
- Q: Is Alex Bishop living? A: No sir.
- Q: When did he die? A: Well I was told last year that he died, I think it was along in the summer, I think somebody told me he was dead about 2 years but I disremember now what month it was. They told me he had been dead about 2 years then.
- Q: Well did you separate from him after Joe was born?
- A: Yes sir.
- Q: How long afterwards? A: Oh Joe was about 4 months old.
- Q: Didn't live with Alex after that? A: No sir.
- Q: Did you ever see him after that? A: Yes sir.
- Q: Do you know the name of his wife? A: His wife what he married? ---No sir, I don't know her name.
- Q: Do you know whether Alex was married or not?
- A: No sir, I don't know whether he was married to her or not.
- Q: Do you know whether he was married to anybody in his lifetime? A: No sir, I don't know whether he was or not.

- Q: Do you know the names of any women he had children by?
A: No sir, this woman he had, this last one I heard he had one child by her.
- Q: What is her name? A: I don't know what her name is, I never learned her name at all, I never saw her.
- Q: Did you ever hear what the name of the child was he had by her? A: I heard it was Joe.
- Q: Did you take Joe with you then, when you separated from Alex? A: Yes sir.
- Q: How long did he stay with you? A: He stayed with me all the while until he was 4 years old and then he became to be sickly, and then when I left, Alex's mother took him to doctor him, that is his grand-mother, she was a doctor and I let her take care of him.
- Q: What was her name? A: Anneky Thomas.
- Q: How long did he stay with her? A: A Year. She died and I went and got him.
- Q: How long did he stay with you then? A: Until he was 9 years old and he run off from me then, following the race horses.
- Q: Do you know how long he stayed away? A: As near as I can come at it he was 9 years old when he left and he was 19 years old when he came back.
- Q: Did you see him during those years?
A: No sir, I don't know where he was, I don't know whether he was living or not until he came home to me.
- Q: Do you know whether any money was ever drawn for Joe from the Creek Nation, for your boy? A: Yes sir, one payment was, I think it was twenty-nine dollars and a half. Wiley McIntosh drew that for him.
- Q: Do you know when that was drawn? A: I don't know what year it was.
- Q: What makes you say you think Wiley McIntosh drew it for him?
A: I know he did draw it, he drew it and gave it to me at Okmulgee, they taken his name and enrolled it, and when the money was paid out at Okmulgee, they drew the money and gave it to me. I was living right here in this town in the South part.
- Q: Who drew the money? A: Wiley McIntosh and Gabriel Jimmison.
- Q: How do you know? A: They told me they drew it.
- Q: Did they say who they drew it for? A: My boy.
- Q: Joe or Robert? A: Yes sir, they put his name down Joe.
- Q: Do you know whether Joe or Robert was here at that time?
A: Yes, at that time he was with me.
- Q: But you never tried to have Joe enrolled in the Creek Nation?
A: No sir. I wanted to have his name enrolled once at the time they was enrolling the Creeks here at the Court-house and they had to have numbers and the numbers had to be called, and Alex, his father was living and he told me to come on and have him enrolled, and I said why don't you have him enrolled with you, and he said No, I didn't ever have anything to do with him and I would rather have you enroll for him, and he went with me and when they asked me for my number, they asked was I a Cherokee citizen or a Creek and I said a Cherokee citizen and they said you can step aside, and I will tend to him when I tend to you, and I whispered to Alex and said when you get on you try to get him on with you, and he did and gave the number and they said is his mother a Cherokee or a Creek, and he said a Cherokee and they said well he will have to go with his mother, and when I went to the Cherokee Nation, I didn't have any trouble and got him on with me.

- Q: Were you present when that payment was made? You were not, were you? A: Which payment? I was here in town, I wasn't out there, I was here in Muskogee.
- Q: You don't know which one drew that money, Wiley McIntosh or Gabriel Jimmison, do you? A: I can't say emphatically which one ~~it was~~ one of them drew it, it was between Wiley McIntosh and Gabriel and they came to me and Gabriel handed me the money.
- Q: You don't know whether they knew that the name was on the roll or not? A: They said it was.
- Q: In what way ~~did~~ it down? A: They put it down in his father's name they told me as Joe Bishop.
- Q: Do you know Ketto Lovett? A: No sir, I don't.
- Q: Do you know William Drew? A: No sir, I don't know him.
- Q: Do you know Patsy Post oak? A: No sir.
- Q: Do you know Kellop Merrill? A: Well slightly acquainted with him.
- Q: Do you know whether he drew that money? A: No sir, I don't.
- Q: For Joe? A: No sir, I don't know whether he did or not.
- Q: How old was Joe at the time you say they came and brought you money, 29 dollars and something?
- A: 4 years old.
- Q: And he was living with you at that time? A: Yes sir.
- Q: Where? A: Here in this town, the south part of Muskogee.
- Q: How many times have you been married, Ellen?
- Q: Do you know how many times you have been married?
- A: 3 or 4 times, I guess.
- Q: What was the name of your first husband?
- A: My first husband was named---well I wasn't married to the first husband, they wasn't marrying then, we just taken up with each other, I took up with a man by the name of Dan Campbell, I wasn't lawfully married to him though.
- Q: Who was the next man you took up with? A: Alex Bishop.
- Q: Then who was the next? A: The next I married that was Budkin Marshall.
- Q: Who was the next one? A: Jackson Payne.
- Q: Then who was the next man? A: William Terrill.
- Q: Then who was the next one? A: That is all.
- Q: Now when did you begin to live with Dan Campbell?
- A: Well I don't know sir, I was about 16 I guess.
- Q: How long did you live with him? A: I didn't stay with him long he whipped me because I couldn't work and I couldn't.
- Q: Did you have any children by him? A: One.
- Q: What was the name of that child? A: Frank. Frank Campbell.
- Q: Is he living? A: No sir.
- Q: Was Dan Campbell a citizen of the Creek Nation?
- A: He said he was.
- Q: Do you know where Dan Campbell is now? A: No sir.
- Q: Now your next man was Alex Bishop? A: Yes sir.
- Q: How long did you live with him? A: About a year.
- Q: How long after you quit living with Dan Campbell before you took up with Alex Bishop? A: Oh, about 2 years.
- Q: Did you have any children by Alex Bishop? A: Joe Robert.
- Q: Is that his name, Joe Robert? A: Robert Bishop is his right name and they always called him Joe and afterwards I called him Joe too, but his right name is Robert.
- Q: You say you lived with Alex Bishop about a year? A: Yes sir.
- Q: How long did you live with him after Joe was born?
- A: He was about 3 or 4 months old.

- Q: Well how long after you quit living with Alex Bishop before you married Jackson Payne? A: About 3 years.
- Q: How long did you live with him? A: 6.
- Q: 6 years? A: Yes sir.
- Q: Did you have any children by him? A: No sir.
- Q: Is Jackson Payne living? A: Yes sir.
- Q: How long before you and Jackson Payne separated before you lived with Terrill? A: A year and six months.
- Q: How long did you live with him? A: About 3 years.
- Q: Did you have any children by him? A: No sir.
- Q: How many children are you the mother of? A: Four.
- Q: What are their names? A: I had three for Budkin Marshall, named William, the other one was named Mary and Zeno, that was the last one.
- Q: Which was the oldest of the four children? A: Mary.
- Q: Is Mary living? A: No sir.
- Q: When did she die? A: Mary has been dead about 4 years now, as near as I can come at it.
- Q: Did you say that Budkin Marshall was the father of Mary? A: Yes sir.
- Q: Mary was older than Joe Robert? A: Yes sir.
- Q: Didn't you say a while ago, you lived with Alex Bishop before you married Budkin? A: Yes sir.
- Q: Were you living with Budkin Marshall at the time Joe was born? A: We wasn't exactly living together as man and wife, we wasn't just exactly living together, house-keeping together, but after this had happened, of course you see me and Joe's daddy, Alex, I was living with Alex, I wasn't married to him, me and him got this child and after me and Alex separated, me and him (Budkin Marshall) went to house keeping together.
- Q: Well you and Budkin Marshall were husband and wife when you met Alex Bishop wasn't you? A: We wasn't exactly husband and wife, he was kind a hiding around there and me and Alex got together.
- Q: When you first met Alex Bishop you were at that time the wife of Budkin Marshall, wasn't you?
- A: I was Budkins' woman.
- Q: You had married Budkin, hadn't you? A: No sir.
- Q: I understood you to say he was the first man you ever married. A: He was the first man I ever married, I hadn't married him then yet.
- Q: Did you live with him before you married him? A: Yes sir.
- Q: How long? A: Oh well, we slipped together a good little before we was married.
- Q: Well were you slipping around with anybody else at the time you knew Budkin Marshall and Alex Bishop? A: No sir.
- Q: Did you marry Budkin Marshall before Joe was born?
- A: Yes sir.
- Q: Then when Joe was born you were the wife of Budkin Marshall and were living with him? A: Yes sir.
- Q: Were you living with Alex Bishop too?
- A: No sir, I wasn't living with him then.
- Q: You said a while ago you lived with Alex Bishop 4 months after Joe was born? A: Of course he helped me get the things to take care of the child.
- Q: Did you ever give testimony before the Cherokee Division relative to your rights as a Cherokee citizen? Did you ever testify before this Commission as to your rights as a Cherokee? A: Yes sir.

- Q: Do you remember the date? A: No sir, I don't know when it was. I don't remember the date it was.
- Q: How many times have you been before them?
- A: I was before them once in Fort Gibson and I was before them here. It was the 8th. day of this past March a year ago.
- Q: March 8, 1905? A: yes sir.
- Q: Do you remember on your appearance before this Commission when you testified relative to your Cherokee citizenship, you were asked this question:
- "Who was the father of Mary and Robert? " Your answer was, "Jackson Payne".
- A: Yes sir.
- Q: Is that so? A: Yes sir, I gave it in that way.
- Q: That is the way you gave the testimony at that time?
- A: Yes sir.
- Q: Is Jackson Payne the father of Mary and Robert?
- A: No sir he is not the father of them, but he had me to give them in that way because he really helped raise Joe, Joe was with him when he run away.
- Q: Then he just had you give it in that way? A: Yes sir.
- Q: What was your object in giving it in that way, if it wasn't true? A: He said it was the same as his children, I was his wife and he said it was just the same.
- Q: Is Jackson Payne a citizen of the Cherokee Nation?
- A: Yes sir.
- Q: Is he enrolled? A: Yes sir.
- Q: Has he received his allotment? A: Yes sir.
- Q: Did he tell you to give in the names that way because he was on the Cherokee Freedman Roll? A: No sir, he didn't say because he was on the Cherokee Freedman Roll. I was his wife and he said I should answer that they was his as much as they was mine.
- Q: Well now do you want to correct that statement that you made then? A: Yes sir, if there is anything wrong about it I would like to correct it.
- Q: Now tell us who is the father of Mary and Robert?
- A: Why Alex Bishop is Robert's father and Budkin Marshall is Mary's father.
- Q: Then your testimony on March 7, 1905 before the Commission is not correct where you state that Jackson Payne was the father of these two children?
- A: I gave it in that way because he told me to give it in that way.
- Q: You want to say now that is not correct, do you?
- A: Well I will leave it go that way.
- Q: Is he the father of those children?
- A: No sir, to tell the truth he is not the father of them.
- Q: ~~Is he the father~~ Then you testified falsely when you testified before that he was the father of those two children, did you? A: Yes of course it was wrong, but I put it in that way because he told me to.
- Q: Budkin Marshall---did he ever claim to be a Cherokee citizen?
- A: No sir, he was a Creek.
- Q: Did Alex Bishop ever claim citizenship? A: No sir he was a Creek.
- Q: In what year did Mary die? A: Well I couldn't tell you just exactly what year it was.
- Q: What month was it? A: I don't know sir, I couldn't tell you that there because I didn't keep account.

- Q: What season of the year was it? A: It was, I think it was in the fall.
- Q: Well do you think it was about this time of the year or a little sooner or a little latter?
- A: It was a little latter, because it was a kind a cold.
- Q: Now how many years ago do you think it has been now?
- A: As near as I can come at it, it has been about 4 years as near as I can come at it.
- Q: Have you had the date of her death recorded? A: No sir, I have not.
- Q: Didn't put it down in the bible? A: No sir, I didn't have any to put it in.
- Q: You didn't put down the date of her death in the bible did you? A: No sir.
- Q: Do you know what year Mary was born? A: No sir, I don't.
- Q: How many years old was she when she died? A: Well, I just disremember how old she was.
- Q: About how old? A: Well I don't know sir just exactly, I couldn't tell you just exactly, she was about this high. (indicating about 4 feet).
- Q: How long after you appeared before the Commission at Ft. Gibson was it before she died? A: Well I disremember just now, I disremember now how long it has been, but it was a good while afterwards.
- Q: Do you know when the Cherokees ratified their agreement with the United States? (No answer)
- Q: Do you know who is the president of the United States?
- A: Roosevelt.
- Q: Do you know who was president before that? A: No sir, I forget.
- Q: Do you know it was McKinley--Do you know when he was killed?
- A: I heard about it.
- Q: Was it before that or after that, that Mary died?
- A: Before that I think.
- Q: Did you buy a coffin to bury her in? A: Made it. Had one made.
- Q: Who made it? A: I done forgot the man's name.
- Q: Did you get a tombstone for her? A: No sir.
- Q: Did you buy some clothes to bury her in?
- A: No sir, just used what she had, we washed them and put them on her.
- Q: Where is Mary buried? A: In the Cherokee Nation.
- Q: Whereabouts in the Cherokee Nation? A: It is --- I can't tell you just exactly whereabouts it is over here--- it is right back of where I am staying at now, that is as near as I can come at it. They call it about 5 miles from Braggs, and this is about a half mile from there.
- Q: Which direction from Braggs? A: It is West, kind a South-west.
- Q: Is it in a grave-yard? A: Yes sir.
- Q: What is the name of it? A: I don't know what the name of it is.
- Q: Do you belong to the church? A: Yes sir.
- Q: Did you have a preacher to preach the funeral?
- A: No sir, we didn't have any.
- Q: Did you have any services at all? A: Just had a prayer and some singing at the grave-yard.
- Q: Well now in your church, did the preacher make any record of the death of your child? A: No sir, the Pastor wasn't there.

- Q: How about the Secretary; did he make any record of the date of the death of your child? A: No sir, they didn't make any record of the death at all, they just had prayers and singing.
- Q: Do you know of anybody that would know the date of your child's death? A: I know a good many that knows it, but I don't know whether they know the ~~same~~ date of it or not.
- Q: Were you born before or after the war?
- A: I was born my mother told me the first year peace was declared.
- Q: You were not a slave then? A: No sir.
- Q: What was the name of your mother? A: Harriet Woodall.
- Q: Was she a slave? A: Yes sir.
- Q: Who was her owner? A: George Woodall.
- Q: Was he a citizen of the Cherokee Nation? A: Yes sir.
- Q: By blood? A: Yes sir.
- Q: Do you know where your mother lived at the breaking out of the war? A: No sir, I don't know, I couldn't tell you that, my sister could tell you more about that then I could.
- Q: What is your sister's name? A: Sylvia Lewis.
- Q: Is that her name now? A: Yes sir.
- Q: How old is she? A: She is quite old, I don't know her age exactly, but she is old.
- Q: Is she a Cherokee freedman? A: Yes sir.
- Q: Did she apply for enrollment in the Cherokee Nation?
- A: Yes sir.
- Q: Has she been enrolled? A: Yes sir.
- Q: Filed? A: Yes sir.
- Q: Has Sylvia got some children? A: She had some but they are dead.
- Q: What were their names? A: I couldn't tell you what their names were.
- Q: Is that the name she goes by now, Sylvia Lewis? A: Yes sir.
- Q: Where does she live? A: She lives about 4 miles East of Braggs, but her post-office is at Braggs.
- Q: Does she live on her allotment? A: Yes sir.

Questions by Irwin Donovan, attorney for Applicant:

- Q: Which did you live with first, Alex or Budkin?
- A: I had been staying with Alex, I was staying with his mother and he came there a while.
- Q: Which did you get a child by, first?
- A: I got one by Budkin.
- Q: First? A: Yes sir.
- Q: How old are you? A: Me--well as near as I can come at my age, I say I am 43 as near as I can come at it, I don't know but what my mother told me.
- Q: How old were you when Joe was born? A: I don't know sir how old I was.
- Q: Were you over 20? A: No sir, I don't think I was.
- Q: Do you think you were less than 20? A: I don't know.
- Q: How many years ago was that? A: I don't know sir, just exactly how many years ago it has been.

Questions by John G. Lieber, acting attorney for Creek Nation:

- Q: You say Mary is your oldest child? A: Yes sir.
Q: Had you been married to Budkin Marshall when Mary was born?
A: No sir, I wasn't married to him then.
Q: Well how long after Mary was born was it until you married Budkin? A: Well it was a good while.
Q: When you did marry Budkin, did you get a license?
A: No sir we didn't get any license, I think a man named W. F. McIntosh was the preacher. I reckon he was a preacher he just said stand up and he did the ceremony, that is all I seen to it.
Q: Now how long after that ceremony was performed was it before Joe or Robert was born? A: Well it wasn't so long, it was a good while too after that. It was a good while after that.
Q: What do you mean by a good while, about how long.
A: I wasn't more than a month or two gone with him when I was married.
Q: Do you mean to say you were with child when you married Budkin Marshall? A: Yes sir.
Q: And that that child was Joe, whom you call Robert?
A: Yes sir.
Q: Did Budkin Marshall ever recognize Joe as his child?
A: No sir. I always told him it wasn't his, I knew it wasn't his.
Q: Is Budkin Marshall a citizen of the Creek Nation?
A: Yes sir.

Questions by Commissioner:

- Q: Is Sylvia Lewis married now? A: No sir, she ain't.
Q: What was the name of her last husband? A: I forget his name but she didn't go by his name at all, she goes by Jake Lewis's name.
Q: Who is Jake Lewis? A: He is dead, he was a Cherokee citizen.
Q: What relation was he to Sylvia? A: That was her husband.
Q: How did Sylvia have some children by them? A: Yes sir.
Q: What were their names? A: Dolly, Mose and Mary and Pearly.
Q: Is Pearly married? A: I don't know sir, whether she is or not, she has been married, but her and her husband has been separated, I don't know whether she is married or not now.
Q: When you can first remember, what family were you living with? In what family did you live when you can first remember.
A: I lived with my mother?
Q: Did you have any brothers or sisters living in the same family? A: Half brothers.
Q: What are their names? A: Jim and John and Al.
Q: Jim and John and Al, what? A: Levett.
Q: Are they living? A: Yes sir.
Q: Were they children of your mother? A: Yes sir and different fathers.
Q: Where was Sylvia at that time? A: Sylvia, me and her is half sisters by a father. We had the same mother and different mothers.

- Q: Your half brothers you have named are they living? A: Yes sir.
- Q: Where? A: Two are in the Creek Nation, John and Jim is, and Al is living up in the country somewheres. I ~~know~~ don't know exactly where, I haven't heard from him for a long time, I don't know exactly where he is.
- Q: Are they citizens of any Tribe? A: They never has tried for their citizenship at all because their father was a state man and he always told them that he was a State man and after their mother died, they were small, I was older than any of them--he always kept them, and I never stayed with them, I stayed amongst the Cherokees and their people.
- Q: Then they didn't get any rights from your mother?
- A: No sir, they never tried for it at all. They never claimed any.
- Q: How about your father, what was he? A: He was a Cherokee citizen.
- Q: A slave? A: Yes sir.
- Q: What was his name? A: Tom Still.
- Q: Was he living with your mother when you began to remember?
- A: Not as I can remember.
- Q: You don't remember your father at all?
- A: No sir, I don't remember him, I just go by what my sister and mother told me.
- Q: Where were you living when you first began to remember?
- A: When I first began to remember, I lived in Flent Ridge in the Cherokee Nation.
- Q: You were living with whom at that time? A: With my mother.
- Q: Her name was what? A: Harriet.
- Q: How was she a slave, did you say? A: Yes sir.
- Q: She is the mother of those half brothers you named a while ago? A: Yes sir.
- Q: How does it come they didn't claim any citizenship?
- A: Well I don't know sir, I don't know how it is. I asked them was they going to try to claim a for their rights and they said they didn't know nothing about it, and the old man wouldn't tell them anything about it, and so each of them married a citizen of the Creek Nation.
- Q: You never lived in the family of Sylvia Lewis?
- A: No sir, I stayed with her a while, I didn't just to say live with her.
- Q: But you were not living with her family when you can first remember? A: No sir.
- Q: Well now is it a fact or not that your mother was never a slave of the Cherokee Nation? A: Yes sir, she was a slave.
- Q: What was it you said her owner was named? A: George Woodall.
- Q: Where have you been living all your life?
- A: I lived in the Creek Nation and in the Cherokee Nation and stayed in the Choctaw nation a while, I went down there and worked, and cooked, I was following cooking a good deal and went from one place to another.
- Q: When did you first go to the Choctaw Nation?
- A: The first time I went down there was when they were building that Choctaw road, that is the first time I went down there, I went down and cooked for a man named Mattis, he was up here looking for a cook and I went down and cooked for him.

- Q: How long did you stay there? A: About 3 months.
- Q: Is that the longest you ever stayed down there?
- A: That is the longest that time, I been down there since, I married Terrill in the Choctaw Nation.
- Q: Did you ever live in the Choctaw Nation as much as 10 years at one time? A: No sir.
- Q: About how long, 5 years? A: No sir.
- Q: As much as a year? A: I stayed there a year, that is the longest I ever stayed. I married Terrill and he bought a lot and we lived on it.
- Q: In the last ten or fifteen years have you ever stayed in the Choctaw Nation as much as you have in the Cherokee Nation? A: No sir.
- Q: Did you ever live in Texas? A: No sir.
- Q: Ever been in Texas? A: No sir.
- Q: Have you ever lived in Arkansas or Kansas? A: No sir.
- Q: Did you ever live in any State? A: I never was across the line of the territory.
- Q: Where have you been living for the last 10 years?
- A: I have been living around here in Muskogee and in the Cherokee nation.
- Q: How far do you live from Braggs now?
- A: They call it 5 miles.
- Q: How long have you been living there?
- A: I have been living there about 2 months I suppose.
- Q: Where did you live before that?
- A: I stayed with a woman in the ~~mount~~ mountain about a month I stayed there being doctored, I got a man to doctor for me I was sick.
- Q: Where did you stay before that? A: I stayed in Muskogee 5 or 6 years at a time before I went out over here. I was here at work for people.
- Q: Did you ever make your home for any length of time outside of the Indian Territory? A: No sir.
- Q: Did you ever draw any money from the Cherokee Nation?
- A: No sir.
- Q: Did you ever try to? A: No sir I never tried.
- Q: Do you know whether your name is on any Cherokee Roll?
- A: I know it is on there when I see it. I seed it on there when I went to file, and I seen them when it was put on out there at Fort Gibson at the time I enrolled.
- Q: Now did you and Jackson Payne have any children of your own?
- A: No sir.
- Q: If you have ever testified before that you and he had any children, that is not so, is it? A: No sir, we never did have any children, I never had any children by him at all.
- Q: What is the name of the father of Sylvia Lewis?
- A: Her father's name is Tom Still same as my father.
- Q: Did they ever call him by any other name?
- A: Not that I know of, she went by the name of Ragsdale, because she belonged to Ragsdale.
- Q: What is Ragsdale's given name? A: She told me but I ~~forgot~~ forget it.
- Q: What was Sylvia's mother's name? A: I don't know, I never heard her say what it was.
- Q: Do you know where Ragsdale lived in the Nation?
- A: No sir, I don't.
- Q: Did you ever know anybody called York Still? I heard her talk about him.
- Q: You don't know who that is? A: No sir.

- Q: Now you say you and Sylvia have the same father or mother, which? A: Now that is what she told me, I don't know myself, I am going by what she told me.
- Q: You don't really know whether you are sisters or half sisters or not, do you? A: That is what my mother says and that is what she says.
- Q: Can Sylvia Lewis get around all right? Travel?
- A: Yes sir.
- Q: Her post-office is Bragg? A: Yes sir.

This is all the evidence taken in said cause on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval

Subscribed and sworn to before
me this 14th day of October, 1906.

Edward Herrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the
enrollment of Joseph Bishop as a Creek freedman.

D E C I S I O N

It appears from the records in the possession of this office that the name of Jos Bishop was listed by the Commission to the Five Civilized Tribes for enrollment, in order to preserve any rights he might have as a freedman citizen of the Creek Nation, said name appearing on Creek freedman census card, family No. 464, and that said name was listed during the taking of the census of Creek freedmen which occurred in the latter part of the year 1898 and the first part of the year 1899. The listing of said name is considered in the nature of an original application for the enrollment of said Jos Bishop as a Creek freedman.

The record in this case shows that on January 11, 1906, Joseph Bishop appeared in person and testified before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory. Further proceedings were had January 23, and October 10, 1906. Transcript of proceedings had on May 14 and October 2, 1906, in the matter of the application for the enrollment of Jos Bishop, infant child of Emma and Alex Bishop is attached to and made part of the record in this case.

It appears from the evidence herein that the Joseph Bishop who testified in proceedings had on January 11, 1906, is the identical Jos Bishop whose name is listed on Creek freedman census card, family No. 464.

It further appears from the evidence and from the records in the possession of this office that said Joseph Bishop is the son of Ellen (or Elnora) Bishop (or Terril), a non citizen, and Alex Bishop, deceased, whose name is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902 opposite No. 3461; that the name of Joseph Bishop is listed on the 1891 omitted roll of Creek freedmen, Arkansas town, opposite No. 70 and that the \$29.00 per capita payment was made in his behalf to one Kalep Murrell, on December 18, 1891.

Cr. En. 1014-----2

The evidence further shows that said Joseph Bishop lived in the Creek Nation until he was nine years of age and has resided outside of Indian Territory for many years; that he returned to the Creek Nation in the month of June 1905 and has established his residence in said nation.

It is, therefore, ordered and adjudged that said Joseph Bishop is entitled to be enrolled as a Creek freedman in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861) and the application for his enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

OCT 29 1906

Cr. En. 1014.

Muskogee, Indian Territory. April 17, 1906.

Messrs. Donovan & Griesel,

Attorneys at law,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Joseph Bishop, as a Creek freedman, you are advised that the testimony of Elnora (or Ellen) Bishop (or Terril), the alleged mother of said applicant, is required. If the attendance of said witness cannot be procured, you are requested to so advise this office at an early date.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory. April 17, 1906.

Clerk in Charge,

Cherokee Enrollment Division.

Dear Sir:

You are directed to advise the Creek Enrollment Division whether or not Elnora (or Ellen) Bishop (or Terril) has been enrolled as a citizen of the Cherokee Nation, or if application has been made for her enrollment as such. It appears from testimony taken in the matter of the application for the enrollment of Joseph Bishop as a Creek Freedman, that said Elnora (or Ellen) Bishop (or Terril) was the wife of Alex Bishop, a duly enrolled Creek freedman.

Respectfully,

Acting Commissioner.

1

REPLY IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

JS

Muskogee, Indian Territory, April 19, 1906.

Clerk in Charge,

Creek Enrollment Division.

Dear Sir:

In reply to your letter of April 17, 1906, asking to be advised whether or not Elnora (or Ellen) Bishop (or Terril) has been enrolled as a citizen of the Cherokee Nation, or if application has been made for her enrollment as such, you are advised that an examination of the records of the Cherokee Enrollment Division fails to show that any application has ever been made for the enrollment of Elnora (or Ellen) Bishop (or Terril) as a citizen of the Cherokee Nation.

Respectfully,

W. O. Bear

CHL

Acting Commissioner.

-----AFFIDAVIT.-----

I, Edward C. Griesel, on oath state that I am a member of *the firm of* Donovan & Griesel, and that said firm has caused the above advertisement to be inserted in the Muskogee Times-Democrat for a period of three days. I further state that said firm has made diligent inquires of a large number of persons in its efforts to ascertain the whereabouts of said Elnora Bishop. That it has addressed a letter to her at Muskogee and that said letter has been returned unclaimed. That we have never been able to ascertain and we do not now know the address of said Elnora Bishop.

Edward C. Griesel

Subscribed and sworn to before me this 19th day of April, 1906.

My Commission expires *Jan-9-1908*

Peter V. Ziegler
Notary Public.

No.	Received
13763	APR 19 1906

Donovan & Griessel,
Muskogee, T.T.,
April 19, 1906.

State they are unable to
ascertain whereabouts of
Elnora Bishop, mother of
Joe Bishop.

EXL. MENQ

LAW OFFICE
DONOVAN & GRIESEL

ROOM 6, "FAIR STORE" BLDG.

TELEPHONE 917

MUSKOGEE, I. T., April 19, 1906

Commissioner To the Five Civilized Tribes,
Muskogee, I.T.

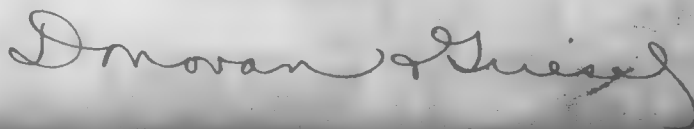
Sir:-

In reply to your communication of April 17th, 1906, you are advised that we have made every effort to locate Elnora Bishop, the mother of Joe Bishop. We have heard that she is working for some white people in Muskogee and that as they object to her son coming to see her on account of his condition, she has concealed from him her address. In addition to making constant and diligent inquiries, we have inserted the attached advertisement in the Muskogee-Times Democrat, but without result. We have given up hope of finding her and on behalf of the applicant we now advise you that he has no further testimony to offer.

Dic.

Respectfully,

C. E. # 1014



Irwin Donovan

Edward C. Griesel
Deatcher Advocate

L A W O F F I C E

Donovan & Griesel

Room 6, "Fair Store" Bldg.

Telephone 917

Muskogee, I.T., April 19, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Sir:

In reply to your communication of April 17th, 1906, you are advised that we have made every effort to locate Elnora Bishop, the mother of Joe Bishop. We have heard that she is working for some white people in Muskogee and that as they object to her son coming to see her on account of his condition, she has concealed from him her address. In addition to making constant and diligent inquiries, we have inserted the attached advertisement in the Muskogee-Times Democrat, but without result. We have given up hope of finding her and on behalf of the applicant we now advise you that he has no further testimony to offer.

Respectfully,

Dic.

(Signed) Donovan & Griesel.

Cr.Rn. # 1014.

En.1014.

Muskogee, Indian Territory, June 15, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Joseph Bishop as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to pretest against said decision, and if at the expiration of that time no such pretest has been made said Joseph Bishop, will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

IM-456.

Commissioner.

Cr.En.1014.

Muskogee, Indian Territory, October 29, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Joseph Bishop, as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Joseph Bishop will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

LM-23.

CR EN 1015

CR EN 1015

affidavit,
Geo. H. King, as
to his Creek, ~~Georgia~~

Filed Dec. 6th 1912.

State of Arkansas }
County of Monroe } Affidavit.

On this 28th day of November 1902
personally appeared before R. M. Henderson
a Justice of the Peace, duly commissioned and
acting in and for the above named County,
Frank King, and on oath states that he
is a Creek Indian by blood. Honorable
Deas Commission, examines the record
and see whether the claimant case is
not correct.

Further defendant say not.

Also comes before me, William A.
Lewis Attorney and prosecutor of claims
of Fort Gibson Indian Territory, and says
that he is positively certain, the affiant
is who he represents himself to be,
Frank King.

Wm A Lewis

Subscribed and sworn to before
me this 28th Nov 1902.

R. M. Henderson

Justice of the Peace

My Com. Exp. 31st Oct 1904

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Frank King as a citizen by blood of the Creek Nation.

STATEMENT AND ORDER.

The record in this case shows that on December 6, 1902, application was made, in affidavit form, for the enrollment of Frank King as a citizen by blood of the Creek Nation.

It does not appear from the evidence or the records in the possession of this office that this applicant, or any of his relatives, are identified on any pay roll, tribal roll, or any schedule of citizens by blood of the Creek Nation.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of Frank King as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly dismissed.



COMMISSIONER.

Muskogee, Indian Territory,
FEB 23 1907

REPLY IN REPLY TO THE FOLLOWING

Cr. En. 1015

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 7, 1907.

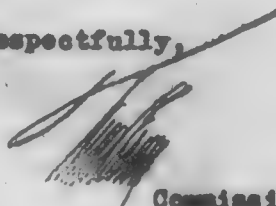
Frank King .

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby notified that you will be allowed ten days from this date within which to appear at this office with such witnesses as you may wish to have testify in the matter of your right to enrollment as a citizen of the Creek Nation.

Respectfully,



Commissioner.

REFER IN REPLY TO THE FOLLOWING:

En. 1015.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

JWH

Muskogee, Indian Territory, January 28, 1907.

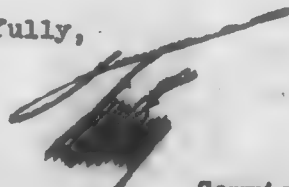
William A. Lewis,

Port Gibson, Indian Territory.

Dear Sir :--

You are requested to advise this office at once as to the present post office address of Frank King, in the matter of whose application for enrollment you executed an affidavit November 28, 1902.

Respectfully,



Commissioner.

REFER IN REPLY TO THE FOLLOWING:

En. 1015

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 25, 1907.

Frank King,

Fort Gibson, Indian Territory,

Dear Sir :--

There is enclosed herewith copy of statement and order of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, dismissing the application for your enrollment as a citizen by blood of the Creek Nation.

Respectfully,



Commissioner.

Registered.

JWH 25-1

CR EN 10/6

CR EN 10/6

"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., Dec. 18, 1903.

In the matter of the application for the enrollment of Prince Harrison as a Creek Freedman.

APPEARANCE: A. P. Murphy, att'y for Creek Nation.

Sarah Harris being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah Harris.
- Q How old are you? A Twenty one.
- Q What is your post office address? A Checotah.
- Q Is your name Sarah Harris or Sarah Harrison? A Harris, they say; people calls me that.
- Q Who is it you now apply for? A The baby Prince Harris.
- Q Is that the child there? A Yes sir.
- Q Is that child's name Harris or Harrison? A Harrison.
- Q What is the name of the father of this child? A Prince Harrison.
- Q Have you and this child's father been allotted lands in the Creek Nation? A Yes sir.

The records of the Commission examined and it appears therefrom that Prince Harrison and Sarah Harrison are regularly listed for enrollment on Creek Freedman Card Field No. 1430, approved roll No. 4775 and 4776 respectively.

- Q Do you want to make application for this child under the name of Harris or Harrison? A Harrison.
- Q When was the child born? A April 11, 1901.
- Q How old is he now? A Two years and eight months.
- Q Can he walk? A Yes sir.
- Q Can he talk? A He can talk a little.
- Q Have you any other child? A Yes sir, Leona Harris.
- Q When was Leona Harris born? A July 5.
- Q What year? A 1900.
- Q How much older is Leona than Prince? A She is a year older.
- Q Just a year? Is it over a year or less than a year? A Over a year; she was born July 5, 1900, and he was born in April 11, 1901.
- Q Well, does from July 1900 to April 1901 make over a year? A That's a year.
- Q Which comes first, April or July? A July I think; no, April comes first.

Examination by Mr. Murphy:

- Q All these children have been born to you since you was married, wasn't they? A Yes sir.
- Q Never had any children before you was married at all? A Yes sir, Luther Woody.
- Q But Leona and Prince were born since you have been married? A Yes sir.

Q When did you first commence to go by the name of Harrison? A I don't know exactly when I did marry.

Q I didn't ask you that. A I am not married any more.

Q After you was married was you known by the name of Harris or Harrison? A Harrison is the right name; but some calls Harris and some Harrison.

Q Well, what do they call you? A By the same name.

Q When did you say it was that you and your husband was married, you and Prince Harris? A I don't know exactly.

Q Well, what year? You know what year it was, don't you? A No sir, I don't remember.

By the Commission:

Q How old is Leona now? A Four years old. Past four; four years old the 5th day of July.

Q Last July? A Yes sir.

By Mr. Murphy:

Q What year did you say Leona was born in? A July.

Q What year? A 1900.

Q Are you positive of that? A Yes sir, I think it was 1900.

By the Commission:

Q Are you positive the child is over four years old? A Yes sir.

Q Last July? A Yes sir.

By Mr. Murphy:

Q Well, that would have been 1899, wouldn't it? A Well, I might have made a mistake; it is down there.

Q Did you go before J.B.Marr and make an affidavit as to the birth

~~of Leona?~~ of Leona? A Yes sir.

Q Was Leona living then? A Yes sir.

Q How long has it been since you made that affidavit for Leona? A It was when first I filed.

Q Now how long was it after you made that affidavit that young Prince was born? A No sir, I don't know how long.

Q Well, was it a year? A Yes, I think it was.

Q Well, was it over a year? A I don't know how long it was.

Q Do you remember going before W.A.Plummer a Notary Public and making an affidavit about Prince Harrison? A Yes sir.

Q Well, now how old was Prince when you made that affidavit? A He was a year old past when I made that affidavit.

Q Well, how much past? A (No answer).

Q Aint it a fact that he was born the same year that you made that affidavit? A Yes sir.

Q You are positive of that are you, that he was born the same year that you made the affidavit before Mr. Plummer? A Yes sir, he was born the same year I made the affidavit; on April 11th.

Q He was born one part of that year, and then you went before Mr. Plummer the last part of the year, and made the affidavit? A Yes sir.

Q You say you had a child born before Leona? A Yes sir.

Q What was its name? A Luther Woody.

Q When was Luther Woody born? A March 13.

Q What year? A 1899.

Q 1899? A Yes sir.

- Q Is he living or dead? A Dead.
Q When did he die? A I forget exactly the month he died.
Q How old was he when died? A Five years old.
Q Well, how old was Luther when Leona was born? A Two years old.
Q Is Leona living? A Yes sir.
Q What year was you born in? A I don't know sir, what year exactly.
Q How old was you when you had your first child? A I was 15 years old I think.
Q How old was you when Prince was born? A I was twenty.

Excused and Rutha Martin called and sworn as a witness, testified as follows:

Examination by the Commission:

- Q What is your name? A Rutha Martin.
Q How old are you? A Twenty four.
Q What is your post office address? A Checotah.
Q Do you know Prince Harrison and his wife, Sarah? A Yes sir.
Q Do you live near them? A Yes sir.
Q How far do you live from them? A I am living with them.
Q How long have you lived with them? A About 2 months; I have been living close to them all the time.
Q Do you know a child of theirs named Prince? A Yes sir.
Q Were you living near them when the child was born? A Yes sir.
Q Were you present when the child was born? A Yes sir.
Q How old is he? A Two years and eight months old.
Q Can the child walk? A Yes sir.
Q Can it talk? A No, it can't talk; just trying to talk.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q How much older is Albert Malvin than this child, Prince? A I don't know how old is Prince exactly; that's my oldest sister's child; she don't live where I do.
Q What is the name of your youngest child? A Edward Jones.
Q How much older is Edward than Prince Harrison? A He is nearly two years older than him.
Q How much does he lack of being two years older, do you know?
A About a year and six months older.
Q About a year and six months older? A Yes sir, he is four years old, and Prince is two year and eight months.

Records of the Commission show that Edward Jones was born August 25, 1899.

- Q Do you know the month and day of the month that this child, Prince was born? A He was born May 11, 1900.
Q This Prince Harrison? A Yes sir.
Q How old did you say he is now? A Two years and eight months.
Q Well, that would make him over three years old. A May 11, 1900?
Q Yes. A Well, he is just two years and eight months.

Examination by Mr. Murphy:

- Q How do you know that? A That's what his mother says. I was there when it was born but I didn't keep any account of its age.

By the Commission:

- Q What you are swearing to when is what its mother says? A Yes; she says its two years and eight months.

Q Well, you have to swear to what you know, not to what some one told you? A Well, I was there.

Q So, you don't know only just what somebody told you? A Just what she told me.

By mr. Murphy:

Q What did she want you to come up here for? A She said she wanted me for a witness.

Q What did she tell you she wanted you to swear? A That I was there when the baby was born.

Q Did she tell you that she wanted you to swear that it was two years and eight months old? A No; just a witness to swear when it was born.

Q Well, when did you tell her it was born? A May 11.

Q What year? A 1900.

Q I think you just now said you didn't know when it was born? A I told you May 11.

By the Commission:

Q But you said afterwards what you knew about it was what the mother told you. A Well, I know.

By Mr. Murphy:

Q All you remember about it is that you was there when it was born? A Yes sir, what time it was born.

Q But you don't know how long it has been exactly? A No, I don't.

Q You don't know what year it was of your own knowledge? A Yes.

Q What year was it? A In 1900.

Q Was you in the Creek Nation when they had an election for chief; when Porter was first elected? A I expect so; I have been here all my life.

Q You remember when Porter was elected, don't you? A I don't know.

Q You remember the circumstance, don't you? A I know I was in the Creek Nation.

Q Do you remember of them holding an election for chief in the Creek Nation? A yes sir.

Q Do you remember when Porter was first elected? A I don't remember what day it was; I remember of them having an election.

Q The first time he was elected? A Yes sir.

Q Now was this child living at that time or not? A Porter was elected?

Q Yes. A I don't remember when that was; I don't remember what year it was at least.

Q Do you remember when the land office opened here in Muskogee?

A Yes sir.

Q Was this child living then or not? A The child wasn't living then when it first opened.

Q How long after when the child was born? A The child was born two years afterwards I guess.

Q Two years afterwards? A Yes sir, the land office has been open about 5 years, aint it?

Q I can't tell you; I am depending on you now to tell that. A I think it has been that long since I filed.

Q Been five years since you filed? A Yes sir.

Excused, and David Green called and sworn as a witness, testified as follows:

Examination by Commission:

Q What is your name? A David Green.
Q How old are you? A Thirty two years old.
Q What is your post office address? A Checotah.
Q Do you know Prince Harrison and his wife, Susan? A Yes sir.
Q How far do you live from them? A I live now about 3-1/2 miles.
Q Do you know a child of theirs named Prince? A Yes sir.
Q How far did you live from them when that child was born? A About 9 or 10 miles West.
Q Are you related to either Prince Harrison or his wife? A First cousin of Prince Harrison.
Q Do you know when this child, Prince Harrison was born? A I don't know exactly what day it was born; it was in the month of April- as near as I can recollect.
Q What year? A 1901.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q You have a son named William, have you? A Yes sir.
Q Have you any children younger than William? A Yes, one.
Q What is its name? A Sam.
Q How old is Sam? A Over two years old.
Q When was he born? A 1900.
Q Is Sam older than this child, Prince, or younger? A I think he is a little older; Sam was born in March, and that child was born in April.
Q Have you had Sam enrolled? A Yes sir; Sam was born in 1900.
Q About how old was Sam when this child, Prince, was born? A I said I might made a mistake in telling that; he was born in 1900.
Q How old was he when this boy Prince was born? A He was---- I never took no notice to count it up; he was about a year old because he was right at 6 months old when Prince was killed- the father of this child, Prince.
Q Was the child born after Prince was killed? A Yes sir; this boy that she has got was born after Prince was killed; he was killed on the 30th of October, 1900, and the child was born the April following.
Q The child was born in April following the death of his father? A Yes sir.

Records of the Commission examined and it appears therefrom that Sammie Green is regularly listed for enrollment on Creek Freedman card Field No. 1676, and that he was born March 30, 1901. The records of the Commission further examined and it appears that Prince Harrison, father of Prince Harrison who is applied for herein, died October 30, 1901.

Witness excused and Sarah Harris recalled:

Examination by the Commission:

Q Is the father of this child dead? A Yes sir.
Q Was this boy born before his father died or after? A Before.
Q Was the child born before his father died? A Yes sir.
Q This man Green said this child was born after his father died.
A Well, he made a mistake.
Q The father of this child was living when the child was born, was he? A Yes sir.
Q Do you know a child of David Green's named Sammie Green? A Well, I don't know his childrens' names, all of them.

Q Well, do you know his youngest child? A Well, I know the child, but I don't know its name; I have seen it times.
Q Is that child older than yours or younger? A Older.
Q About how much older? A I don't know; cause I don't know the name of the child.
Q You are positive that the father of this child was living when your child was born? A Yes.

Excused and David Green recalled:

Examination by the Commission:

Q Are you positive that the father of this child was dead when the child was born? A Yes sir, I am positive of that.
Q That the father was dead when the child was born? A Yes sir; I am positive that this child was born after Prince was dead.

Excused and Rutha Martin recalled:

Examination by the Commission:

Q Is the father of this child living? A He's dead.
Q Did he die before the child was born or after? A He died after the child was born.
Q How long after? A Well, I don't remember how long after.
Q He was living when the child was born? A Yes sir.
Q Do you know a child of David Green's named Sammie Green? A Yes sir.
Q Do you know the family? A Yes sir, I know his wife; I don't know nothing about his children.

(Mr. Murphy states that the Creek Nation has no evidence to offer.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case December 18, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 19th day of December, 1903.

Edward M. Murrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Checotah, I. T., June 23, 1904.

SUPPLEMENTAL TESTIMONY In the matter of the application for the enrollment of Prince Harrison, as a Creek freedman.

SARAH HARRISON, being duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Sarah Harris.
Q What is your post office address? A Checotah.
Q What is your age? A Will be twenty-two this coming February.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Canadian.
Q Are you the identical Sarah Harrison who on December, 18, 1903, made application to the Commission for the enrollment of your minor child, Prince Harrison as a Creek freedman? A Yes, sir.
Q Where is Prince Harrison? A Here. (

By the Commission.

The child said to be Prince Harrison is present.

- Q Did you make a record of the date of the birth of Prince Harris?
A Yes, sir; I did write it down, but I lost the paper.
Q Have you looked for it recently? A Yes, sir; but I can't find it.
Q What kind of a piece of paper was it--describe it? A Oh, it was just a little white paper.
Q When did you write that on that piece of paper? A I wrote it after the baby was born.
Q How long after? A I couldn't tell you how long afterwards. Just wrote it and put it in the book, and the children must have thrown it away.
Q What did you write it with, a pencil or a pen? A Pencil.
Q How long has it been since you saw that piece of paper? A Oh, I don't know how long it has been. I lost it before I moved over here.
Q How long have you been moved over here? A I have been up here about a month.
Q Did you consult that piece of paper when you made out your birth affidavit? A Yes, sir.
Q Can you read and write? A Yes, sir.
Q Have you consulted a lawyer in this case? A No, sir.
Q Do you know John and Mary Malvin? A Yes, sir.
Q Do you know their child Tressie? A Yes, sir.
Q How long after Tressie was born before your baby, Prince, was born?
A Well, I don't know.
Q About how long, to the best of your recollection? A I don't know how long it has been; she didn't tell me when her baby was born.
Q Did you and Mary talk together about getting your children enrolled?
A No, sir.
Q Do you know Dick and Sarah Martin? A Yes, sir; I know them.
Q Do you know their child, Joseph? A I know it.
Q Was your baby born before or after Joseph was born? A I don't know.
Q What is your best recollection? A I don't know, sir.

Tena Manuel, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Tena Manuel.
Q What is your age? A About fifty-two, I guess; I couldn't tell exactly.

2 Prince Harrison.

Tena Manuel, witness.

By the Commission.

- Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arkansas.
Q Do you know Sarah Harrison? A Yes, sir.
Q Do you know whether she has a child named Prince? A Yes, sir; I know the child named Prince.
Q Were you the midwife? A No, sir.
Q How close do you live to Sarah Harrison? A I guess Sarah lives about a mile, I guess, from me.
Q You go there frequently? A No, sir; not very often.
Q You visit back and forth? A Sometimes, not very often I visit, because I don't have that much time.
Q Do you remember when Prince was born? A Yes, sir; I knows he was born in- -I believe he was born in November, but I wasn't the midwife for that child. Eva Island was the midwife for that child.
Q Do you know how old Prince is? A I think he is going on three years old, I think.

Oliver C. Hinkle, having been first duly sworn, upon his oath as stenogra her for the Commission to the Five Civilized Tribes, states that he reported the proceedings had in the above entitled cause on June 23, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle .

Subscribed and sworn to before me this 12th day of July, 1904,
at Mellette, Indian Territory.

Seal.

L. H. McIntosh
Notary Public.

My Comm' expires Apr. 10, 1907.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., December 30, 1904.

En. 408.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Prince Harrison as a Creek Freedman.

APPEARANCES: A. S. McRea, Atty. for applicant:

WILLIAM RENTIE, being duly sworn, testified as follows:

BY COMMISSION:

- Q What is your name? A William Rentie.
Q How old are you? A Forty-two.
Q ~~How old~~ What is your post office address? A Rentiesville, I. T.
Q Are you a citizen of the Creek nation? A Yes, sir.
Q What is your wife's name? A Susie Rentie.
Q Do you know Sarah Harrison? A Yes, sir.
Q How long have you known her? A Ever since she was a child.
Q Is she any kin to you? A First cousin.
Q How far do you live from her? A About a half mile.
Q Do you know a child of hers named Prince? A Yes, sir.
Q Did you live within a half mile of her when that child was born?
A Yes, sir.
Q What is the name of its father? A Prince Harrison.
Q Is he living? A Dead.
Q When did he die? A October 30, 1901.
Q Was this child born before the father died or after? A Before.
Q How long before? A The child was born in April.
Q How old was the child when his father died? A I don't know just exactly but he was born the 11 of April.
Q What fixes it in your mind that he was born on the 11th of April?
A Because I was right there and my wife went over there when the child was born.
Q Did you make a record of it? A We got it down.
Q Did you make a record? A My wife did.
Q Have you any other first cousins that are married? A Yes, sir.
Q What is the name of one of them? A Nancy Gray.
Q Has she any children? A Yes, sir.
Q What is the name of one of them? A Clarence.
Q Do you know when he was born? A No, sir.
Q Why is it that you remember the birth of Prince and you don't remember the date of the birth of Clarence? A Because my wife went over there and I was right there when Prince was born.
Q Did your wife go when any other children were born? A She went when Jane Fulson's child was born.
Q What is the name of Jane Fulson's child? A Roy.
Q When was Roy born? A I couldn't tell you.
Q Why is it now, that you remember the exact date of Prince's birth and you don't the exact date of Roy's? A I couldn't say that because I know Prince was born that date for my wife was talking about it and they put down the date when the father got killed and got down several of them.
Q Who put them down? A My wife--in the family record.
Q Who wrote that? A She did and I wrote some of it when she told me.
Q Did she write down the date of the death of Prince Harrison Sr., and the ~~birth~~ date of the birth of Prince Harrison Jr.? A Yes, sir.
Q Where is that record? A At home.
Q Who else have you got down in there about the date of their death?
A Sam Houston and my mother.
Q Is your mother dead? A Yes, sir.

- Q When did she die? A In August about six years ago.
Q What day of the month? A I don't know just what day of the month but we got it down in the book.
Q Who was the other you named? A Sam Houston.
Q When did he die? A He got killed.
Q When was that? A Been about three years ago.
Q What month and day of the month was it? A I couldn't tell you but we got it down.
Q Is that record made with a pen or pencil? A It is made with a pencil.
Q Can you produce that book? A Yes, sir.

By A. S. McRea:

- Q These other woman you mentioned as to having given birth to children and those statements as to the dates of their births were you living in as close proximity to them as you were Mrs. Harrison?
A Yes, sir, all but Sam Houston.
Q You family and Mrs. Harrison's family were all close neighbors? A Yes, sir, and close relations.
Q Are you acquainted with David Green? A Yes, sir.
Q He testified before the Commission relative to the enrollment of this child on the 18th of December, 1903, he stated that Prince Harrison Sr., was dead before Prince Harrison Jr. was born--was his statement correct? A No, sir, it was not correct.
Q You are positive that the child was born in April 1901? A Yes, sir.
Q And that the child was living at the time of the death of his father, Prince Harrison Sr? A yes, sir.
Q Is that correct? A Yes, sir.
Q The child is living now? A yes, sir.

By Commission:

The witness is requested to produce the record of the child's birth and death, which he refers to, before the Commission.

---ccc0000ccc---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

~~Notary Public~~

Subscribed and sworn to before me this 30 day of December, 1904.

D C Skaggs,
Edw. L. Sneed
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 20, 1905.

In the matter of the application for the enrollment of Prince Harrison as a Creek Freedman.

Sarah Harrison, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Sarah Harrison.
Q What is your postoffice? A Checotah.
Q What is your age? A 23 years old.
Q Have you a child named Prince Harrison? A Yes sir.
Q Is that child living? A No sir.
Q When was Prince born? A April 11, 1901.
Q Who was present at the birth of that child? A Eve Hill.
Q Who else? A That was the woman that was the midwife.
Q Who is your husband? A Prince Harrison is my husband.
Q Is he living? A No sir; he is dead.
Q Is that child, Prince, living now? A Yes sir.

The records of the Commission examined and the names of Prince Harrison and Sarah Harrison are found opposite Roll Nos. 4775 and 4776, respectively.

INDIAN TERRITORY, Western District.

I, J. V. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
this the 21 day of April, 1905.

My comm. expires April 11, 1909.

J. V. Miller
John E. Parrish
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Prince Harrison as a Creek freedman.

DECISION.

The record in this case shows that on January 2, 1903, there was filed with the Commission to the Five Civilized Tribes, in Muskogee, Indian Territory, an affidavit in the matter of the birth of Prince Harris, which said affidavit is considered in the nature of an application for the enrollment of said Prince Harris as a Creek freedman. Further proceedings were had December 18, 1903, June 23 and December 30, 1904, March 20, 1905, and January 24, 1906. A second affidavit in the matter of the birth of said applicant, filed with this office January 25, 1906, is attached to and made part of the record herein.

The evidence in this case shows that the correct name of said applicant is Prince Harrison and further references to the applicant, in this decision, will be under the name last mentioned.

The evidence further shows that said applicant is the minor child of Prince Harrison and Sarah Harrison, whose names are contained in a partial list of Creek Freedmen approved by the Secretary of the Interior, March 28, 1902, opposite Nos. 4775 and 4776, respectively.

The evidence as to the date of birth of said applicant is contradictory, but a preponderance of the evidence establishes such date as April 11, 1901.

The evidence also shows that said applicant was living on the date of the last proceedings herein.

It is, therefore, ordered and adjudged that said Prince Harrison is entitled to be enrolled as a Creek Freedman, in accordance with the provisions of the act of Congress approved June 30, 1902 (32 Stat., 500), and the application for his enrollment as such is accordingly granted.

Muskogee, Indian Territory.


Commissioner.

June 15-1906.

En 1016
~~N.P. 690~~

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES:
Muskogee, Indian Territory, January 24, 1906.

In the matter of the application for the enrollment of
Prince Harrison asa Creek freedman.

SARAH GREEN, being duly sworn, testified as follows:

- Q What is your name? A Sarah Green.
Q Have you married a man named Green? A Yes, sir, Dave Green.
Q How long have you been married to him? A In July last past.
Q Before that what was your name? A Sarah Harrison.
Q Were you married to a man named Harrison at that time? A Yes, sir
Prince Harrison.
Q Is he living? A No, sir he died October 30, 1901.
Q How do you know the date? A I have the date down when he died.
Q Was he the first man you ever married? A Yes, sir.
Q What was your name before you married him? A Griggs.
Q That was your maiden name was it? A Yes, sir.
Q As Griggs you also had a child? A Yes, sir.
Q What was its name? A Luther Woodly.
Q Is it enrolled? A Yes, sir.
Q Did you have a child by Harrison that is enrolled? A Yes, sir
Leona Harrison.
Q Is Leona living? A Yes, sir.
Q Did you have another child by Harrison? A Yes, sir Prince Har-
rison.
Q Is he living? A Yes, sir
Q How much older is Leona than Prince? A Two years older
Q Exactly two years? A Just about two years.
Q Were Prince and Leona both born in the same month? A No, sir.
Q They couldn't be exactly two years apart then could they? A No, sir
Q How many months difference between the ages of these two children
do you know? A Two years and I don't exactly know how many months.
Q Are you sure there is as much as two years between the two?
No answer.
Q What I want to get at is the exact year of the birth of Prince
Harrison, what year was he born in? A April 11, 1901.
Q How old was your child Prince Harrison when his father Prince
Harrison died? A seven months old.
Q How old is the child Prince now? A Five years past.
Q Are you sure of that ? A Yes, sir.
Q How do you arrive at that conclusion? A He was born April 11, 1901
and this is 1906 and it won't be six years old till April .
Q I am afraid you are not very bright, he will not be six years old
till 1907 if he was born in 1901. Why did you make out an affidavit
and sign your name Sarah Harris and name prince Prince Harris?
A Sarah Harrison I told them but they might have put it down Harris.
Q Why did you sign the affidavit Harris if your name was Harrison?
A I don't know why I signed it.
Q What is your mother's name? A Eva Island.
Q She signed an affidavit and said the child's name was Prince
Harris, why did she do that? A No, sir I don't know why . I thought
I signed it Harrison.

Q Is Harrison the correct name? A Yes, sir.
Q What is the correct name of that child? A Harrison.
Q And your correct name before it was Green, was Harrison? A Yes, sir.
Q You are pretty badly off about the age of that child and you are pretty badly off about how old it was when its father died and you are pretty badly off about the names and you are either very crooked or very ignorant. Is that child living? A He sure is living.
Q That's your writing there isn't it? (Showing her signature) Yes, sir.
Q Why did you write it Harris? A I don't know why I signed it that way.
Q That down there is Eva Island, is that your mother? A Yes, sir. (Given a piece of paper and told to write her name) (She writes that her name before this last marriage was Harrison)
Q You are enrolled as Harrison are you not? A Yes, sir.
Q Who was the midwife when Prince was born? A Eva Island.
Q Is she here now? A No, sir.
Q Where is she? A At home.
Q She signed an affidavit calling the child Prince Harris.--What is your post office address? A Rentiesville.
Q How old are you? A Twenty three.
Q Now what year was this child Prince born in? A April 11, 1901.
Q What day of the week was the child born? A I didn't put that down.
Q Can you count? A Yes, sir, a little.
Q As high as ten? A Yes, sir.
Q You say he was born in 1901? A Yes sir--and you say he is living now? A Yes, sir.
Q If this child was born in 1901, wouldn't he be one year old in 1902, 2 years in 1903, 3 years in 1904, 4 years in 1905 and 5 years in 1906? A Yes, sir.
Q You said he was past five, he wouldn't be five till April? A I made a mistake on that.
Q Are you sure he was born in April? A Yes, sir.
Q What makes you sure? A Because I put down what month he was born in.
Q Have you got that with you? A No, sir.
Q Have you it at home? A Yes, sir.
Q Why didn't you produce it? A Wasn't asked for it.
Q You say you wrote down the date of the birth of this child, what did you write it on? A On a piece of paper.
Q With a pen or pencil? A Pencil.
Q Did you write it down more than once? A Yes, sir.
Q How many times did you write it down? A Twice.
Q That first time you wrote it, have you the piece of paper? A No I have the one I wrote in a book but I haven't the piece of paper.
Q When did you write the first one? A Not long after he was born.
Q Have you that yet? A No, sir.
Q When did you write the second? A A good while after, after I lost the other one.
Q Was it near the time Prince was born? A No, sir.
Q You were asked for the first one down at Checotah? A I said I wasn't asked for it here.

PEGGY DAVIS, being duly sworn, testified as follows:

Q What is your name? A Peggy Davis.
Q What is your age? A Forty one.
Q What is your post office address? A Rentiesville.
Q Are you any kin to this woman Sarah Green? A Second cousin.
Q Did you know her husband Prince Harrison? A Yes, sir.
Q Was his name Harris or Harrison? A Harrison.
Q Is he living? A Dead.

Q When did he die? A I couldn't tell you exactly when he died.
 Q Do you know a child of this woman's named Lewis Woody? A Yes, sir.
 Q Do you know when he died? A No, sir I wasn't living there when he died. I went down there directly after Prince was born.
 Q Was Lewis dead then? A Yes, sir.
 Q Did Lewis die before Prince was born? A Yes, sir, I think so. I don't remember. I knew when I went down there she had this boy.
 Q When did you go down there? A In 1902.
 Q What month? A In January.
 Q About how old was Prince then? A I don't just know.
 Q About how old did he look? A Like a year old. He was sitting on the floor.
 Q Is Prince living now? A Yes, sir.
 Q You don't know how old he is do you? A Between four and five years I guess.
 Q Do you remember what month he was born in? A In April.
 Q How do you know that? A I heard that before I came down there, that she had a baby in April.
 Q Who told you that? A A first cousin of hers, Mr Renties wife.
 Q What is her name? A Susan Rentie.
 Q How does it come you couldn't tell how old it was when you went down there in January 1902? A It was birth in 1901.

I, Anna Garrigue, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

Subscribed and sworn to before me this 25 day of January 1906.

Anna Garrigue

William O. Shaggs
 Notary Public.

J. M. D.

En. 408

Muskogee, Indian Territory, August 10, 1904.

H. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

Proceedings in the matter of the application for the enrollment of Prince Harrison as a Creek Freedman were had before the Commission December 18, 1903, and June 23, 1904. A copy of the testimony is inclosed.

The Creek Nation will be allowed a reasonable time within ~~the~~ evidence in the case, if it so desires.

Respectfully,

Commissioner in Charge.

HCH-10-8.

Luskogee, Indian Territory, May 9, 1905.

Sarah Harrison,

Checotah, Indian Territory.

Dear Madam:

The Commission desires further evidence in the matter of the application for the enrollment of your minor child, Prince Harrison.

You are hereby notified that you will be allowed thirty days from date within which to appear before the Commission with the midwife who attended at the birth, and at least one other witness who knows the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Register.

779670

Muskogee, Indian Territory, January 5, 1906.

Sarah Harrison,

Care Prince Harrison,

Okcoteah, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Prince Harrison, as a Creek freedman, you are advised that you will be allowed fifteen days from the date hereof within which to appear at this office with two disinterested witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

This matter should receive your immediate attention.

Respectfully,

Commissioner.

En. 1016.

Muskogee, Indian Territory, June 15, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Prince Harrison, as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Prince Harrison, will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

IM-457.

CR EN 1017

"

CR EN 1017

En. _____.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 16, 1906.

In the matter of the alleged application for the enrollment of Mattie Jeffries, deceased, and Tom Jeffries as citizens of the Creek Nation.

TOM JEFFRIES, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Tom Jeffries.
Q How old are you? A About thirty-two.
Q What is your post office address? A Ft. Smith, Ark. No. 1101 between 12th and 13th, on K St.
Q What are you trying to do now? A I am just trying to get on the roll.
Q Do you claim to have made application three years ago for enrollment as a citizen of the Creek Nation? A Yes, sir. In February, 1903.
Q What day in February? A I can't tell exactly. About the middle of the month.
Q What day of the week was it? A On Monday.
Q What hour of the day was it? A Between ten and eleven.
Q Who was with you at that time? A My wife and my mother.
Q What is your wife's name? A Ida Jeffries.
Q What was your mother's name? A Mattie Jeffries.
Q Is she dead? A Yes, sir.
Q When did she die? A September 9, 1904.
Q When you came, as you claim, in February, 1903, where did you go?
A I came here to this office. It has been so long I can't tell.
Q Did you come to this building? A It seems to be. It might be the building and it might not. It was the first time I was ever here.
Q Have you any other living witnesses that you came here besides your wife? A No, sir.
Q Was it up stairs or downstairs that you went? A It was up stairs.
Q What were the names of the people before whom you applied? A I didn't ask them their names. They said we were too late.
Q What do you claim that you done when you came here in February, 1903? A In 1903 my mother and me came to Muskogee to try get enrolled and they told us that we were a day too late.
Q What I want to know is what was the hour of the day and who the people were and what they said to you? A We came here between ten and eleven. We came in. My mother said, "I am a Creek citizen and this is my son and we want to be enrolled and in my judgement I believe we have a right here," and they said you are a day too late.
Q Did you claim as Creeks? A Yes, sir.
Q Are you sure it was the Creek Division you were in? A Yes, sir.
Q What kind of a looking man was you before? A He was a middle-aged man. Short and heavy man.
Q Was he a white haired man? A I can't tell you that.
Q Am I the man? A I wouldn't say. Possibly you are the man.
Q If I was the man wouldn't you know me again? A Yes I would have to see you more than once. We were no more than in till we went out.
Q The fact of the matter is that the rolls were not closed in 1903. They were not closed until September 1, 1904, and it was not the practice of any one in this division to tell applicants that they were too late in 1903? Did you ever do anything else from that time till this? A No, sir.
Q All you claim that was ever done for yourself and mother was that you came into some office in Muskogee and stated that you were entitled to rights and fact was that you were too late. That

was all that was ever done? A Yes, sir. It said in the front: "Dawes Commission".

Q Do you claim ever to have made any application as Cherokees? A No, sir.

Q Or as members of any other tribe in Indian Territory? A No, sir.

Q Did you tell the man you appeared before that you and your mother thought you could be enrolled as Creeks? A Yes, sir.

Q The only living witness of that transaction is your wife? A Yes, sir. I have no witnesses whatever.

Q Were there many people in the room at the time? A No, sir, there was only two or three.

Q Did you intend to claim as Creek Freedmen or as Creeks by blood? A Creek Freedmen.

Q Did you intend to claim that your name or your mother's name appeared upon any of the Tribal Rolls of the Creek Nation? A No, I just intended to go in with my mother.

Q Do you know whether the name of your mother or yourself is on any of the rolls of the Creek Nation? A No, sir.

Q You know that they are not don't you? A No, sir.

Q You don't claim that either her name or yours is on do you? A No, sir.

Q Did you or she ever draw any money or have any money drawn for you from the Creek Nation? A No, sir.

Q You are sure of that are you? A Yes, sir.

Q To what Creek Indian Town do you claim that she or you belonged? A I don't know.

Q Did you ever hear that you ever belonged to any Creek Indian Town? A No, sir.

Q Do you claim that either you or she were ever admitted to citizenship in the Creek Nation by the proper tribal authorities? A No, sir.

Q You don't claim that you were ever admitted by the Dawes Commission? A No, sir.

Q You don't claim that you were ever admitted to citizenship by a decision of the United States Court, on appeal from a decision of the Commission, do you? A No, sir.

Q Do you claim that you or your mother are on the Dunn Roll? A No, sir.

Q How do you claim your rights to citizenship in the Creek Nation? A From my grandmother's side.

Q What is her name? A Peggie McCollom.

Q Were you ever known by any other name? A No, sir.

Q Where were you born? A In Georgia.

Q How long did you stay there? A Until I was about twenty-one years old.

Q Then where did you go? A Alabama.

Q How long did you stay there? A About two or three years.

Q Then where did you go? A To the Cherokee Nation.

Q How long did you stay in the Cherokee Nation? A About five months.

Q Then where did you go? A I come here.

Q That was in 1903? A Yes, sir.

Q That was that little trip you made up here? A Yes, sir.

Q Have you ever been in Indian Territory since 1903? A Yes, sir. I came last year.

Q What time last year? A The first of December.

Q How long did you stay? A Till the 21st day of September.

Q Have you ever had a home in Indian Territory? A No, sir.

Q Did your mother ever have a home in Indian Territory? A No, sir, not as I know of.

Q Were you or your mother here during the war? A No, sir.

Q You were not born then were you? A No, sir.

Q Was your mother here during the war? A I never heard her say.

Q Do you claim that your mother was a slave of a Creek citizen? A No, sir.

Q Do either of you claim any Creek Indian blood? A I don't claim to have any Indian blood in me.

Q Do you claim that either of your parents have any Indian blood in them? A I don't know whether my grandmother had any Indian blood in her but she was carried away as a Freedman, is what she said.

Q Is she living? A No, sir.

Q Did she ever live in the Creek Nation? A Yes, sir. What she say.

Q What was your grandmother's name? A Peggie McCollom. Her name was Taylor when she married.

Q Is that the only way you claim citizenship in the Creek Nation: because your grandmother was carried away as a slave? A Yes, sir.

Q Where was she carried to? A North Carolina.

Q Who carried her away? A I don't know.

Q Do you claim that she was a slave of a Creek citizen? A She was in the Creek Nation.

Q You don't claim that your grandmother was a slave of a Creek citizen, do you? A No, sir, I couldn't say that.

Q The only thing you claim is that your grandmother was in the Creek Nation and was carried away? A Yes, sir.

Q If it should be decided that you had made application in time the only thing you could do to prove your rights in the Creek Nation would be that your grandmother was a slave in the Creek Nation during the war? A Yes, sir.

Q Do you claim that your grandmother was on any of the rolls of the Creek Nation? A No, sir.

Q Do you claim that your mother was on any of the rolls? A No, sir.

Q Was your mother the child of the grandmother you refer to? A Yes, sir.

Q If you would get any rights through that grandmother, would not your mother? A Yes, sir.

Q Do you claim anything through your mother? A My mother claims through my grandmother and I claim through her.

Q You simply claim that your grandmother was here during the war and was carried away? A Yes, sir.

Q How do you expect to be admitted to citizenship even if you had made your application in time? A She just told me and I don't know anything else. She was my grandmother and was here and was carried away.

Q Have you any other witnesses here except your wife? A No, sir.

IDA JEFFRIES, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Ida Jeffries.

Q How old are you? A About thirty-one or thirty-two.

Q What is your post office address? A Ft. Smith.

Q How long have you been married to this man, Tom Jeffries? A The eighth day of May we will be married four years.

Q You don't know anything about his right to citizenship in the Creek Nation do you? A No, sir, only just what his mother say.

Q Do you know anything about his attempt to make application here in 1903? A We came from Tahlequah in February, on Monday, in 1903, to the Dawes Commission.

Q Who came with you? A Him and his mother.

Q What was done? A She came here and she said she wanted to be put on the roll and they said she was too late.

Q Who said that? A I don't know who that was.

Q Am I the man? A I don't know.

Q What room was that? A I don't know.

Q Was it in this building? A Yes, sir.

Q Are you sure of that? A Yes, sir.

Q Was it in the morning or afternoon? A In the morning.
Q Was that all was said just that he was a day too late? A Yes, sir, that was all was said. We just went out then.
Q Was that all she said? A That was all I heard her say: just that she wanted to have herself and her boy put on the roll.
Q That was all she said? A On the Creek Roll.
Q Did she say that? A I think she said that. I think she had a right to say it.
Q I didn't ask you about the right. Did you hear her say that? A Yes, sir, I heard her say "Creek Roll."
Q Is that all? A That is all.
Q Did you hear the man say anything else? A No, sir.
Q Did they ever do anything else to get enrolled? A No, sir.
Q Never wrote to this office? A No, sir.
Q You don't know anything about any possible right he might have in the Creek Nation? A Only what his mother said.
Q What did she say? A That her mother was a Creek Indian and that they wanted their rights in the Creek Nation.
Q Do you know any other possible rights he might have as a citizen of the Creek Nation? A That is all.

TOM JEFFRIES recalled:

BY THE COMMISSIONER:

Q How do you know your grandmother was in the Indian Territory: just from your mother? A My grandmother and mother both told me.
Q What time did they say she was here? A They didn't specify.
Q Do you know whether she was here before the war or not? A No, sir.
Q Do you know whether she was here during the war? A No, sir.
Q What did they say about her being carried out? A Said she was carried out in slave time.
Q Did they say she ever returned? A No, sir.
Q Did they ever tell you that your grandmother was here at the time the Dunn Roll was made? A No, sir.
Q

Applicant is given twenty days within which to introduce further evidence in this case.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 11 day of January, 1906.

Notary public.

Cr.En. 1017

WBC
CM

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for enrollment of
Mattie Jeffries, deceased, and Tom Jeffries as citizens of
the Creek Nation.

STATEMENT AND ORDER

The record in this case shows that on January 16, 1906,
Tom Jeffries appeared at this office and submitted testimony in
the matter of an application alleged to have been made in the
year 1903 for the enrollment of Mattie Jeffries and himself
as citizens of the Creek Nation.

The records in the possession of this office do not show
that application was made for the enrollment of said Mattie
Jeffries and Tom Jeffries prior to January 16, 1906.

I am, therefore, of the opinion that in view of the pro-
visions of the Act of Congress approved April 26, 1906 (34 Stats.
137) this office is without authority to receive or consider
any application for the enrollment of said applicants at this time,
and I, therefore, decline to receive the same.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 6- 1907

Gr. No. 1017.

Muskogee, Indian Territory, February 28, 1907.

Tom Jeffries,

No. 1101 between 12th and 13th, K Street,
Fort Smith, Arkansas.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your mother, Mattie Jeffries, deceased, as citizens of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-67.

Cr.M. 1017.

Muskogee, Indian Territory, February 8, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Tom Jeffries and Mattie Jeffries, deceased, as citizens of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-63.

Refer in reply to the following:
Land 13733-1907

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Tom Jeffries and Mattie Jeffries, deceased, as citizens of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes adverse to the applicants.

The record shows that on January 16, 1906, Tom Jeffries appeared at the Office of the Commissioner to the Five Civilized Tribes, and submitted testimony in the matter of an application alleged to have been made in the year 1903, for the enrollment of Nancy Jeffries and himself as citizens of the Creek Nation.

Commissioner Bixby reports that the records of his office do not show that application was made for the enrollment of the applicants herein prior to January 16, 1906. Therefore, by reason of the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L. 137), the office concurs in the decision of Commissioner Bixby, denying the enrollment of the applicants herein as citizens of the Creek Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

ERM-D

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.JP
FHE

I.T.D. 4880, 4890, 4904, 4900, 4942-07.

March 1, 1907.

4964, 5022, 5166, 5202, 5328- "

5342, 5374, 5376, 5378, 5380- "

5396, 5398, 5400, 5402, 5404- "

5416, 5424, 5418, 5424, 5428- "

5466, 5488, 5496, 5548, - "

D.L. 12430-1907

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Rhoda Walker,	December 19, 1906
Josiah McIntosh,	January 18, 1907
Tony Harlings,	January 18, 1907
George Allen, (Freedman)	January 28, 1907
Henry Edwards, (Freedman)	January 28, 1907
Lewis Davis, deceased,	January 28, 1907
Robert Scott, deceased,	October 19, 1906
Tom and Mattie Jeffries, deceased,	February 3, 1907
Anna Dodge, (Freedman)	February 8, 1907
Georgia Davis, deceased, (Freedman)	February 7, 1907
Thelma Maud Gibson	February 7, 1907
Magie Nola Poe (Freedman)	January 28, 1907.
Nelson McIntosh,	January 19, 1907.
Calley Caesar, deceased,	January 28, 1907
Sarah Buck, deceased,	January 25, 1907
Willie Perryman, (Freedman)	January 28, 1907
Joshua Gentry et al.	January 28, 1907
Dennis Taylor, (Freedman)	January 22, 1907
Paul and Pauline Bruner,	January 28, 1907
Gennie Sanders, (Freedman)	January 28, 1907
Eddie Levi, (Freedman)	January 28, 1907
Gabriel Hawkins, (Freedman)	January 28, 1907

Title of case.	Date of your letter of transmittal.
Lettie Dickson, (Freedman)	January 23, 1907
Charles Elger, deceased,	January 29, 1907
Harford Elmer, deceased,	January 28, 1907
Othorn Holt, (Freedman)	February 7, 1907
Marguerite Scott, deceased, (Freedman)	January 31, 1907

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy herewith and all the papers in the above-mentioned cases have been sent to the Indian office.

Respectfully,

(Signed) Jesse R. Wilson,
Assistant Secretary.

27 Inc. and 61 for Ind. Of.

172
1-1-07

JWH

Cr.En.1017

Muskogee, Indian Territory, March 9, 1907.

Tom Jeffries,

No. 2101 between 12th and 13th, K Street,
Fort Smith, Arkansas.

Dear Sir :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself and your mother, Mattie Jeffries, deceased, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 10/8

"

CR EN 10/8

#1078

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 15, 1906.

In the matter of the alleged application for the enrollment of William Sells as a Creek freedman.

APPEARANCES: E. Hastain, attorney for applicant.
Office of Creek attorney communicated with
by telephone and this office is informed
he is not in.

WILLIAM SELLS, being duly sworn, testified as follows:

Q What is your name? A William Sells.
Q What is your age? A I suppose I am about fifty five.
Q What is your post office address? A Checotah.

STATEMENT by attorney: The applicant, William Sells claims that he appeared before the Commission to the Five Civilized Tribes in the month of December 1901 for the purpose of being enrolled as Creek freedman but when he appeared he was informed by the Commission that the Creek agreement which had been passed in May during the same year, had provided that the Commission should not receive applications for enrollment. His claim is stated fully in his petition which is asked to be filed herewith and made part of this application.

Q Do you claim to have made application for enrollment as a Creek freedman? A Yes, sir.

Q At what time? A At the latter part of 1901 about Christmas.

Q How did you make that application? A Of course I don't know the man. I came here with a brother who was an old council member.

Q To whom did you think you were making application when you came up here in December 1901? A I was told the land Commissioner--the Commission to the Five Civilized Tribes.

Q Was it in this building? A I don't know exactly if it was in this building. I was a stranger then and I couldn't say whether this was the building or not. It was something like this; two or three stories high.

Q Was it in this location? A Yes, sir, it was here in Muskogee.

Q Was it on this spot here in this building? A It would be hard for me to tell.

Q Was it on the ground floor or up stairs? A I think up stairs.

Q Were there any other people in the room besides that person to whom you talked about the case and yourself? A Yes, sir, several other men, yes sir, more than one person.

Q Was any one in the room that you knew? A Only my brother.

Q What is his name? A Dave Dickson.

Q Is he living? A Yes, sir.

Q What did you say to that person you say was the Commissioner?

A I just told him I was a Creek citizen and that I was informed they were all getting their rights and I thought I would come in and see about it. I came to see about my rights as a citizen and he remarked that I was too late, said the books or something was closed that May if I had had an application in it was all right but it was too late for my new application.

Q Hadyou ever applied to the Commission to the Five Civilized Tribes before that time? A No, sir

Q Have you ever done anything since? A No, sir--my brother did. He will tell you; I don't know just what he did. He told me he would see after it and if there was any chance he would inform me. He said the chief was in Washington and when he came back he would see him.

Q Do you know if anything was ever done before the Commission itself? A No, sir not me but my brother.

Q Did he ever do anything? I don't know just what he didbut he told me he came and he wrote me he didn't think there was any chance. He written me in about a month that he hadn't done anything still.

Q You never did make any formal application for enrollment did you? A No, sir.

Q Just came in and talked with them and they told you it was too late? A Yes, sir.

Q What kind of a looking man was it told you this? A It looks like something was the matter with his mouth--I don't know whether I could describe him or not, not being acquainted.

Q Was he tall? A He seemed to be when he was sitting down.

Q Was he a young man? A Not as young a looking man as you.

Q According to your own story no record was made of that application. What do you claim to be a citizen by blood or a freedman?

A Freedman. I belonged to old John Sells here.

Q How long have you lived in the Creek Nation?Up till the war?

Q From your birth? A Yes, sir/

Q How old were you when the war broke out? A I couldn't tell you.

Q How big a boy were you?A Probably 13 or 14 years old.

Q Then where did you go? A Mother hired me to a yankee officer at Ft. Gibson and he brought me over to Ft. Davis and we staid there quite a while and he was ordered to go further and he took me with him and then he brought me back to Little Rock and at the surrender I was turned loose there. After I quit the officer I went on a steamboat.

Q How long did you stay on the steamboat? A Probably 8 or 9 months.

Q Do you remember when the negro slaves were set free? A Yes, sir.

Q Where were you at that time? I remember when we were taken away from our masters.

Q Where were you then? A Right down here on Sells place.

Q Did you ever hear of the Dunn roll? A I heard of it after I came here. I was on the river.

Q Weren't you present in the Creek Nation? A No, sir first here and then running down to Ft. Gibson.

Q Did you have a residence in the Creek Nation at the time of the Dunn roll?A If I understand you I haven't a home now as far as that goes. We was taken away from here. I claim this as my home it is where I was bred andborn.

Q At the time of that payment you were flying up and down the river A Yes, sir.

Q Did you draw that money? A No, sir

Q Your name is not on the Dunn roll? A No, sir. It was reported, my brother said, that I was dead.

Q You were not here to draw for yourself ? A No, sir

Q After you got through with the steamboat where did you go? A To Little Rock.

Q Then where? I staid in Little Rock probably 6 or 7 months and then I went further down.

Q How long did you stay in Arkansas? A I was away from here probably 30 odd years.

Q After the war till now? A Till four years ago

Q After the war you were in Arkansas up to four years ago when you came back to the Creek Nation? A Yes, sir

Q Did you ever hear of the payment in 1890? A No, sir.
 Q You weren't here then? A No, sir.
 Q Did you hear of the \$14. payment in 1895? A No, sir.
 Q You don't know whether any money was draw for you then? A No, sir.
 Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A The neighbors I used to speak to of course they all recognized me.
 Q That's not the kind of recognition I mean; where you ever recognized by the authorities of the Creek Nation? A I never went before any authorities.
 Q You didn't apply to the Commission in 96 did you? A No, sir.
 Q If you didn't apply of course you didn't appeal your case to the courts? A No sir.
 Q What was the name of your father? A Lewis Kernel.
 Q Was he a citizen of the Creek Nation? A Yes, sir.
 Q Is he living? A No, sir.
 Q How long has he been dead. A I couldn't tell he was dead when I came back four years ago and my mother too.
 Q What was her name? A Nancy Sells.
 Q Was she a citizen of the Creek Nation? A Yes, sir.
 Q When did she die? A I couldn't tell you. She was dead when I came back.
 Q What claim do you make, how do you claim citizenship in the Creek Nation if given an opportunity to prove it? A I claim to be a citizen by birth.
 Q You don't claim to be on any of the tribal rolls do you? A I don't suppose-- I am not on the Dunn roll.
 Q Not on any of the pay rolls? A No, sir.
 Q Do you claim to have ever been admitted by any of the proper authorities in the Creek Nation? A No, sir.
 Q What claim do you make? A I just claim that I have a right as a citizen to have a home here.
 Q Upon what do you base that claim? A Simply because I am a citizen of the country.
 Q I am a citizen of this country too and have been here longer than you have and I don't claim anything? A Well I was birthed here.
 Q Were you a slave? A Yes, sir.
 Q What was the name of your owner? A John Sells--Rosanna Kernel was the woman I belonged to and she married John Sells.
 Q What was she? A Full-blood Indian woman.

ATTY. FOR APPLICANT.

Q Was your mother a citizen of the Creek Nation? A Yes, sir.
 Q Was her name on the Dunn roll? A Yes, sir, brother says she is on.
 Q Are your brothers names on the Dunn roll? A Yes, sir and my five sisters and one brother and my mother.
 Q All have their allotments? A Yes, sir.

DAVID DICKSON, being duly sworn, testified as follows:

Q What is your name? A David Dickson.
 Q What is your age? A Sixty some odd.
 Q What is your post office address? A Muskegee.
 Q Are you a citizen of the Creek Nation? A Yes, sir.
 Q Do you know the alleged applicant who just stepped out of the room? A Yes, sir.
 Q What is his name? Bill Sells.
 Q Any kin to you? A Brother of mine.
 Q Full brother? A Half brother; different fathers.
 Q Do you know anything about an alleged application for his enrollment? A Yes, sir.
 Q What do you know? A I came in here, I was member of the council and I came in here to get him an application and a gentleman who

was acting the same as you are and he said I ought to know that the rolls were closed and that I couldn't make any application.

Q Did you and the applicant come in? A Yes, sir.

Q When was that? A I don't know the exact date, but some time in 1901 as near as I can tell, I think about four years ago and may be a little more.

Q That's all the attempt you know of? A Yes, sir.

Q That he came in and we told him it was too late? A Yes, sir.

Q Did you ever do anything more? A I asked and after that there wasn't anything more that I could do.

Q Are you older or younger than he? A Older.

Q How old were you when the war began? A I can't tell anything about it. People couldn't keep any record of anything much. I was riding races for Lewis McIntosh.

Q Is this applicant next younger than you? A I think so, I think he is next to me. I didn't stay with them. They staid with my young mistress and I staid with Sookekey Kernel.

Q How many years younger? A I think mother said two or three years.

Q Have you always lived in the Creek Nation? A Yes, but I travelled around a good deal.

Q Were you here when the Dunn roll was made? A Yes, sir.

Q Was this alleged applicant here then? A No, sir he was running on a steam boat.

Q You know that by hearsay don't you? A No, sir couldn't know it by hearsay.

Q Did you see him when he was born? A I saw him when he was a baby.

Q Did you see him after the war? A No, sir.

Q How long from the time you left him as a little boy until you saw him again? A We was raised up together until the war.

Q How old was he the last time you saw him then? A I couldn't tell you. I left him with mother and I went with an officer to Leavenworth.

Q When was the last time you saw this man before today? A Little over four years ago.

Q When was the last time before that? A Not since peace.

Q That was forty years ago? A Yes, sir.

Q How do you know this is the same man? A I know it.

Q Can you keep a recollection of a boy you left as a young fellow and then didn't see for forty years. A He was large enough and I had as much sense then mighty near as now.

Q You say you are a council member? A Yes, sir.

Q And this alleged applicant wasn't here during the Dunn payment? A No, sir.

Q His name wasn't on the Dunn roll? A No, sir.

Q And no one drew for him? A No, sir.

Q You know about the payment of 1890? A Yes, sir.

Q No money was drawn for this man? A No, sir.

Q Why not? A Because his name didn't appear on the roll.

Q What town do you belong to? A Canadian.

Q His name wasn't on any of the pay rolls? A No, sir.

Q Was this man ever recognized by the tribal authorities? A No, sir.

Q Never admitted by any of the proper authorities? A No, sir.

Q What claim does he make to enrollment? A Simply because he belonged to the Creeks. Young master told him he ought to have a right.

Q When did his young master tell him that? A About two weeks ago.

Q What is his name? A Wallace McKnight.

Q Who is he? A An Indian.

Q He never was on any pay roll, never was admitted and never lived in the Creek Nation from the time peace was declared until about four years ago? A No, sir.

Q And still you think he is entitled to enrollment--for what reason? A I don't know.

Q What position do you hold in the Creek Nation now? A Not any now, time was up last election.

What position? A Member of the Council for 12 or 15 years--
Warriors.

I, Anna Herrigues, on oath state that the above and foregoing is a
true and correct transcript of my stenographic notes as taken in
said cause on said date.

Subscribed and sworn to before
me this 17 day of February 1906.

Anna Herrigues

J. M. Dermott
Notary Public.

DEPARTMENT OF INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----O-----
In the matter of the application of William Sells, for the enrollment of himself and his children as citizens of the Creek Nation.

-----O-----
Comes now William Sells, and states to the Commissioner to the Five Civilized Tribes that on the _____ day of December, 1901, he appeared before the Commissioner to the Five Civilized Tribes, and made application for himself and his children Mattie, Bill, Hosey, Amos, Nathan, Lucy and Hamberg Sells as citizens of the Creek Nation. That the Commission refused to take his testimony and stated to him that the Creek Agreement ratified May 25, 1901 provided that no person should be enrolled after the ratification of the Creek Agreement and that it was too late to make an application as it would do no good. That he relied upon the statement made by the Commission and returned home. That since that date he never received any further advice from the Commission in any way. But he has recently been advised and now believes that it was the duty of said Commission to take his testimony when he made his application.

That if his testimony had been taken it would have shown that he complied with the treaty of 1866 and that the names of his mother, now deceased, and his brothers appear upon the Dunn Roll, and that his brothers have been enrolled and filed upon their allotments in the Creek Nation. That he believes that it was the duty of the Commission to enroll him and his family at the time he made his application.

Wherefore he prays that he be permitted to introduce his testimony and that himself and children be enrolled as citizens by adoption of the Creek Nation.

Wm. Sells

Subscribed and sworn to before me this _____ day of _____, 1902.

E. R. Jones

Notary Public

One Sub. Dec. 19th 1902

United States of America,
Indian Territory,
Western District.

On this day personally appeared before me Dave Dixon and stated: that he was a citizen by adoption of the Creek Nation, and a member of the Creek Council. That he is a half brother of William Sells, having the same mother. That in the month of December, 1901, he went with his brother, William Sells, before the Dawes Commission and used his best efforts to get the Commission to enroll his brother and children, but that the Commission refused to so enroll them. That he then stated to the Commission that he thought his brother had a right and couldn't be prohibited from making an application to see if he can establish his right. That the Commission stated that he being a member of the Creek Council, ought to know better. That the Commission refused to take any testimony or make any kind of record of his brothers application.

That he believes his brother, William Sells, and his children should be enrolled as citizens of the Creek Nation.

Dave Dixon

Subscribed and sworn to before me this 8th day of February, 1906.

E. R. Jones

Notary Public.

My term expires Dec 17th 1907

E, Hastain, upon his oath says that he mailed a true copy of the foregoing petition and the affidavit of Dave Dixon hereto attached, to M. L. Mott, Attorney for the Creek Nation, the said Creek Attorney having refused to accept service.

E Hastain

Subscribed and sworn to before me this 2th day of February, 1906.

Edmund Miller

Notary Public.

My term expires July 8, 1910.

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U. S. P. O. Registry Receipt.

Letter

No.

918

P. O.,

MUSKOGEE, IND. T.

Received for registration 2-8, 1906, from

E Hastain

addressed to M. L. Mott

Muskogee

1 class postage prepaid.

Postmaster, per

33

Cr.En.1018.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of William Sells as a Creek freedman.

STATEMENT AND ORDER.

The record in this case shows that on February 15, 1906, William Sells appeared before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, and testified in the matter of an application, alleged to have been made by him, for enrollment as a Creek freedman. The petition of said William Sells, together with the affidavit of David Dixon filed with this office February 2, 1906, are attached to and made a part of the record in this case.

It appears from the evidence that applicant claims to have appeared in person before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, in the latter part of the year 1901, for the purpose of making application for enrollment as a Creek freedman. The testimony of applicant on this point is supported by the testimony of his half brother, David Dixon.

An examination of the records in the possession of this office fails to show that any application has ever been made for the enrollment of William Sells as a Creek freedman.

The act of Congress approved April 26, 1906 (Public No. 129) provides:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application. . . ."

I am of the opinion, that inasmuch as the records in charge of the Commissioner to the Five Civilized Tribes fail to show that any application has ever been made for the enrollment of said William Sells as a Creek freedman within the time

limited by the provision of law above quoted, I am without authority to receive or consider any application for the enrollment of said applicant at this time and therefore decline to receive the same.



Commissioner.

Muskogee, Indian Territory,

AUG 22 1906

Dr. Jm. 1018.

Muskogee, Indian Territory, August 24, 1906.

William Sells,

Chesotah, Indian Territory.

Dear Sir:

You are hereby advised that the Commissioner to the Five Civilized Tribes, under date of August 22, 1906, rendered Statement and Order, dismissing the matter of the alleged application for your enrollment as a Creek Freedman. Copy of said Statement and Order is enclosed herewith.

Respectfully,

IM-45.
Register.

Acting Commissioner.

Gr. En. 1018.

Muskogee, Indian Territory, August 24, 1906.

E. Hastain,

Attorney for William Sells,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commissioner to the Five Civilized Tribes, under date of August 22, 1906, rendered Statement and Order, dismissing the matter of the alleged application for the enrollment of William Sells, as a Creek Freedman. Copy of said Statement and Order is enclosed herewith.

Respectfully,

Acting Commissioner.

IM-56.
Register.

CR EN 1019

"

CR EN 1019

Ex 1019 6.32.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
OKMULGEE, I.T., OCTOBER 16th, 1903.

In the matter of accounting for those persons whose names appear on the Creek Tribal rolls, who died prior to April 1st, 1899, and are not shown on said rolls to be otherwise accounted for.

JOHN A. Jacobs, being first duly sworn by R. R. Cravens, notary public testified as follows:

BY THE COMMISSION:

- Q What is your name? A John A. Jacobs.
Q What is your postoffice address? A Holdenville.
Q What is your age? A 32.
Q Are you Town King of Tuckabatchee Town? A Yes, sir.

The object of this examination is to ascertain who of those persons whose names appear on the Creek Tribal rolls of Tuckabatchee Town died prior to the opening of the Creek Land Office. (April 1st, 1899.)

1890 Roll.

- Q Lucy Marks - Page 227? A She died before the land office opened. Lightning killed her.
Q Samochee - Page 227? A If it is the one I am thinking of - I am not sure that his name is Samochee. He is Joe Simons' son and a half brother of Fuller Jimboy.
Q Leho Marty - Page 227? A He died before the land office opened.
Q Barnertken - Page 227? A I am satisfied she died after the land office opened.
Q Klumme - Page 227? A He is dead, but I don't know whether he died before or after the land office opened.
Q Sindy Moon - Page 227? A She died before the land office opened.
Q George Kernal - Page 227? A He died before the land office opened.
Q Arluck Hopie - Page 227? A He has filed. His name is probably Aharluck Hopiye.
Q Salley - Page 227? A Probably they live near Bufaula, but I have not been able to find her.
Q Nancy, Willie, Kizey - Page 227? A I think they belong to the Snake faction. I have never been able to find them.
Q Misco Chupke - Page 228? A He is dead, but I don't know when he died.
Q Richard Bruner - Page 228? A He died before the land office opened.
Q Robert McGirtt - Page 229? A He died before the land office was opened.
Q Lizzie Robinson - Page 229? A She died before the land office opened.
Q Kanip Fixice - Page 229? A Died before land office opened.
Q Louis Barney - Page 229? A Died before land office was opened.
Q Lizzie - Page 229? A She died after the land office opened.
Q John Hockee - Page 230? A He died before the land office was opened.
Q Efer Yaholar - Page 230? A He died before the land office was opened.
Q Chukehort Pixice - Page 230? A He died before the land office opened.
Q Leaser Bruner - Page 230? A She died before the land office opened.
Q Yarlochooe - Page 231? A He died before the land office opened.
Q Long George - Page 231? A He died before the land office opened.
Q Maxey - Page 231? A He died before the land office opened.
Q Lucy Bear - Page 231? A She died before the land office was opened.
Q Tulver Pixice - Page 232? A He died before the land office opened.
Q Sparnemarhar - Page 232? A He died before the land office opened.
Q John Leacher - Page 232? A I was told by John Francis that he saw John Leacher in Muskogee after the land office was opened, requesting people not to file on land; that it was a mistake for the Creek people to take allotments.

TUCKABATCHEE TOWN #2 - JOHN A. JACOBS.

Q Tuckabatchee Harjo-Page 237? A He died long before the land office opened.

Q Parney Thlocco-Page 237? A He died during that small pox up near the Sac & Fox Agency.

Q Do you know whether he died before that hospital burned or not?

A No, sir. The one that died was Barney Thlocco, but I guess ~~THAT~~ they got it Parney.

Q Wm. E. Walker; Susan E. M. Walker; Clisynn Walker-Page 239?

A They lived in the Choctaw Nation.

Q Are they part Choctaw? A I don't know, but I was told since that they were enrolled in the Choctaw Nation.

1895 Roll.

Q E. V. Burton? A I think she was either a Choctaw or a white woman.

Q J. H. Crabtree? A He is dead, but I don't know whether he died before the land office opened or not.

Q David Kernels? A He is dead, but I don't know whether he died before the land office opened or not.

Q Tuckabatchee Harjo? A He died before the land office opened.

Q James Sullivan? A He died before the land office.

Q Lizzie J. Robinson? A She died before the land office opened.

Q Chular Harjo? A He died before the land office opened.

Q Lizzie and Liza Harjo? A They both died after the land office opened.

Q Burney Marha? A He died before the land office opened.

Q Louis Larney? A I think he died before the land office opened.

Q Rhoda Lena (Rhoda Lena)? A I think she died before the land office opened.

Q Yarholeche? A He died before the land office opened.

Q Lena Bruner? A Died before the land office opened.

Q John Omaha? A He died before the land office opened.

Q Maxey? A He died before the land office opened.

Q Micco Chupko? A Died before the land office opened.

Q Lucy Tiger; Susie Tiger? A They died before the land office opened.

Q Long George? A He died before the land office opened.

1895 Omitted Roll.

Q Nathan Jacobs - Creek Card #3331? A I think that was enrolled on the omitted payment as my boy, but in the meantime my boy was placed on Little River Tulsa.

Q Was that your boy's name? A No sir, Frankie, but he did not have any name then. But I think Alexander, Town King of Tuckabatchee Town enrolled my boy as Nathan Jacobs. I don't think there is any such person. Frank is on Little River Tulsa. He drew money there. If I am not mistaken they have it Babe on the 1895 roll, and in lead pencil too.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the testimony in the above and foregoing matter, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 23rd day of October, A. D., 1903, at Muskogee, Indian Territory.

NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 19, 1906.

In the matter of the Application for the enrollment of
Lizzie or Lizzie Harjo as a citizen by blood of the Creek Nation.

The name of Lizzie appears on the 1890 pay roll of
Tutchebatchee town as follows:

No. 1 Turousar # 2858
No. 2 Lizzie
E. 32 died after land office opened.
No. 3 Lucy #2308
No. 4 Millie # 2306
1895 pay roll of the Creek Nation
No. 1 Lizzie Harjo (E. 32)
No. 2 Lucy Harjo #2308
No. 3 Liza Harjo (E. 32) died after land office.
No. 4 Mollie Harjo #1744
No. 5 John Harjo # 2859

October 16, 1903 John A. Jacobs, town king, of Tutche-
batchee town testified in the matter of accounting for those persons
whose names appear on the Creek tribal rolls who died prior to
April 1, 1899 and are not shown on said rolls to be otherwise
accounted for the object of which was to ascertain who of those
persons whose names appear on the Creek tribal rolls of Tutche-
batchee town, died prior to the opening of the Creek land office
April 1, 1899. Said John A. Jacobs testified as follows:

Lizzie (page 229) she died after the land office opened.
No other application is shown by the records of this office to have
been made for said Lizzie.

APPEARANCES: M. E. Mott attorney for Creek Nation.

Lucy Lowrey being duly sworn testified as follows through Alex
Posey official interpreter.

Q What is your name? A I am enrolled as Lucy Taylor but I am now
known as Lucy Lowrey.
Q What was the name of your father? A Tarkosar Harjo.
Q What is your age? A I am about thirty years old.
Q What is your post office address? A Harlesburg, Oklahoma.
Q What was the name of your mother? A Lizzie.
Q Are they both dead? A My mother is dead; Tarkosar Harjo is living.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Tutchebatchee.
Q When did your mother Lizzie die? A She died the 15 of March the
year following the opening of the land office.
Q Did you receive the \$29. payment? A Yes, sir.
Q Who drew that for you? A I drew the money myself.
Q Did Tarkosar draw his then too at the same time? A Yes, sir.
Q And did Lizzie your mother draw hers then? A Yes, sir.
Q Did any one else draw in your family? A Liza, Mollie and Jennie.
Q How about Millie? A Millie was my father's niece.

She has been dead a good while.

Q Did you draw the \$14. payment in 1895? A Yes, sir.

Q Who drew in your family at that time? A The money was drawn for me by the town officers and sent to me.

Q Do you know whether it was drawn for Lizzie at that time? A Yes

Q Did you ever have a sister Lizzie? A No, sir.

Q Was there any one else in your family named Lizzie except your mother? A No, sir.

Q Did your mother receive an allotment in the Creek Nation? A No

Q Why not? A She intended during her lifetime to come and file but kept putting it off until she died.

Q When did she die? A She died March 15 in the year following the opening of the land office.

Q Do you know what year that was? A I don't know.

Q Do you know what year this is? A I don't know.

Q Do you remember when the land office opened? A Yes, sir.

Q How do you remember that, what makes you remember it? A The land office opened April 1899 or thereabouts I understand.

Q Were you present when your mother Lizzie died? A Yes, sir.

Q Who else was present? A Billie Chepcoc and Billie McGirt.

Q Anybody else? A Johnnie Hutkey.

Q He is dead now isn't he? A Yes, sir.

Q Is Billie Chepcoc living? A Also dead.

Q Was there any doctor present when Lizzie died? A An Indian woman named Maria attended on my mother during her last illness but she died shortly after my mother did some time in June.

Q Is Maria enrolled? A I understand she has her allotment.

Q Under what name? A Maria is all the name I knew her by. I think she belonged to Tulsa town and has a daughter living now named Emma Taylor.

Q Where did your mother Lizzie die? A She was living near Wewoka in a house which had been rented to her by Willie Lena.

Q Where was she buried? A At Chisso Harjo's place.

Q Where is that? A Near Wewoka.

Q Was there any record made of the date of the death of your mother either on the headboard or in your house in a book? A I don't think any record was made.

Q Was any application ever made to the Dawes Commission to have this woman Lizzie enrolled as a citizen of the Creek Nation? A I don't think that any application was ever made.

Q Why not, why didn't you do something about it? A I was before the Commission once before and it occurred to me to make application but I had no witnesses and didn't make any application.

Q Isn't it a fact that you thought she died too soon to be enrolled isn't that the reason you didn't bother with it? A No, sir.

Q Why did you come in here today? A I came up today to see about my loyal Creek claim before the Indian agent and while I was here I thought I would step in and inquire about my mother.

Q This is a pretty late time to inquire about some one you thought ought to have been enrolled, isn't it? A I never filed for myself until a long time after the land office opened and have been without means to go back and forth to Muskogee.

Q You came in here in 1901 which was after the death of your mother as you give it why didn't you make application for her then? A John Jacobs filed for me; I never appeared in person. I gave him the papers and he filed for me.

Q Have you never been before the Commission on any business before today? A I have been once before the Commission.

Q When and where was that? A I came in to see about the enrollment of a child of mine; several years ago, I don't remember the date.

Q Why didn't you say something about your mother then? A I simply didn't look into the matter.

Q Was John Jacobs present when your mother died? A No, sir.

Q Did you buy any coffin or burying material for your mother? A Yes, sir.

Q Where? A At Wewoka.

Q Did you have any part of it charged? A The burial material was paid for at the time it was purchased.

Q Can you tell the name of the man you bought it from? A It was purchased at Jackson Brown's store by Philip Marshall.

Q How long have you lived in Oklahoma? A About five years.

Q Was your mother dead when you went to live in Oklahoma? A I moved there after the death of my mother.

Q How long after? A It wasn't long after she died. I don't know just how long.

Q Did you move over there in the same year? A I had lived in the Seminole nation prior to the death of my mother. When she became sick I moved back and attended on her until she died and then I went back to the Seminole nation and have been living there ever since. My post office address is Earlesboro, Oklahoma; I am just across the line, have never lived in Oklahoma.

Q With whom were you living at the time you first heard your mother was sick? A Wiley Taylor.

Q Are you living with him now? A We have since separated.

Q When did you separate? A Shortly after I went back home after the death of my mother.

Q How long after the death of your mother before you separated?

A Something like a year.

Q Do you remember when the Dawes Commission was sending parties out in the field to enroll people? A I don't. I never saw any of the parties in the Seminole Nation.

Q Do you remember when section lines were first established in the Creek and Seminole nations? A I saw the surveyors at work in different parts of the country but I don't remember the year.

Q Was your mother Lizzie living then? A Living.

Q How long after that before she died? A I don't know.

Q How long after that before the land office opened as you remember it? A I don't know.

Q Do you know what month this is now? A Wind month--February.

Q What was last month? A Winter's brother--January.

Q What year is this? A 1906.

Q What year was last year? A 1905.

Q What was the year before that? A I don't believe I remember.

Q How many years has your mother been dead? A I think it has been something like going on seven years.

PHILLIP MARSHALL, being duly sworn, testified as follows through Alex Posey official interpreter.

Q What is your name? A Philip Marshall.

Q What is your age? A I am over thirty.

Q What is your post office address? A Holdenville.

Q Do you know this lady here? A Yes, sir.

Q Did you know her mother Lizzie? A Yes, sir.

Q Is Lizzie dead? A Yes, sir.

Q When did she die? A She has been dead some time. The land office opened in 1899 and she died the next spring, I think in March.

Q Has some one told you that or do you know it of your own knowledge?

A I saw her after she was dead.

Q Are you related to her or to this woman in any way? A No, sir.

Q Were you at the funeral of Lizzie? A Yes, sir.

Q Did you have a preacher at that time? A No, sir.

Q Did she have a doctor? A She had an Indian doctor named Maria.

Q Is Maria living? A She is dead.

Q Do you know if there was any burial material bought for Lizzie?

A I bought some burial material for her.

Q What was the name of the keeper of the store from whom you bought it? A The firm of which I purchased the burial clothes is now out of business and I do not know the name of their successors.
Q Don't you know the name of any of the men who owned the store or conducted it? A White men owned the store; I don't know their names.
Q If this woman was living at the time of the filing here why wasn't a step taken to have her enrolled at least, if not filed? A I simply neglected to attend to the matter herself and no one else took interest in it.
Q The Dawes Commission had people out in 1897 and 1898 looking after people like that? A I don't know why no application was made for her.
Q Are you sure any citizens had filed in the Creek Nation when she died? A Yes, sir.
Q Can you name one person that had filed? A I think old man Frank Jacobs had filed on his land at the time this woman died.

It appears from the records of this office that a citizenship certificate was issued to Frank Jacobs April 3, 1899.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

Subscribed and sworn to before me
this 21 day of February 1906.

Anna Garrigues

J. M. Derwall
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lizzie Harjo, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on October 16, 1903, testimony was taken in the matter of accounting for those persons whose names appear on the Creek tribal rolls, who died prior to April 1, 1899, and are not shown on said rolls to be otherwise accounted for. The testimony of John A. Jacobs, taken on said date, with reference to the said Lizzie Harjo, is considered as an original application for her enrollment as a citizen by blood of the Creek Nation. Further proceedings were had on February 19, 1906.

It appears from the evidence that the name of said Lizzie Harjo is identified upon the 1890 authenticated tribal roll of the Creek Nation as "Lizzie" and the 1898 pay roll of said nation as "Lizzie Harjo".

The preponderance of the evidence establishes the fact that said Lizzie Harjo was alive on April 1, 1899.

It is, therefore, ordered and adjudged that said Lizzie Harjo, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation under the Acts of Congress approved June 28, 1898 (30 Stats. 495) and March 1, 1901 (31 Stats., 861), and the application for her enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

JAN 25 1907

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CR EN 1020

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, February 13, 1906.

In the matter of the alleged application for the enrollment of Mary McNiry as a citizen by blood of the Creek Nation.

MARY McNIRY, being duly sworn, testified as follows:

Q What is your name? A Mary McNiry.
Q What is your age? A Twenty four the 15 of May.
Q What is your address? A Muskogee.
Q Why do you appear here today? A I came up to see whether--I came up to see about my case.
Q Do you claim you made application as a Creek? A Last year.
Q When? A Last June or July 1905.
Q Do you claim that you ever made any application to the Daves Commission before that time? A I never been in this office until today.
Q You never made any application to the Daves Commission before June or July 1905? A No, sir that's my first time.
Q You didn't say a formal application then did you? A Yes, sir.
Q You didn't hold up your hand and swear and then give testimony did you? A No, sir.
Q What did you do last June or July? A I just went in to see about it and went to a couple of lawyers and talked with them and saw Wiley McIntosh and his father. They can be called up.
Q You had dealings with Wiley McIntosh and his father, they don't represent the Commission? A--and Mr Bixby.
Q Did you ever see Mr. Bixby? A I seen him once.
Q When was that? A I seen him on the street but I didn't talk with him at all.
Q What did you do in June or July? A This is the first time I was ever up here in this part. Before I set to work and they began writing backwards and forwards to Washington.
Q So this minute is the first time you ever made application or tried to ~~make~~ before that time you wrote to Washington and you talked to McIntosh? A I have letters and I went to lawyers.
Q You never wrote any letters to this office? A No, sir. I didn't fill out any blanks or anything like that.
Q Did you give Wiley McIntosh and those people any money? A I paid McIntosh money--\$10.00--why sure.
Q Do you know whether he ever did anything? A He said he did.
Q Did he tell you he did anything in this office? A He said he was waiting on Bixby and I came up here to see if you had heard anything and he said if anything is to be done to send for him.

I, Anna Garrigue, state on oath that the above and foregoing is true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigue

Subscribed and sworn to before
me this 14 day of February 1906.

J. M. [Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY/
JUNE 26, 1906.

In the matter of the alleged application for the enrollment of Mrs. Mary McNary, nee Whitlow, as a citizen of the Creek Nation.

Appearances: Donovan & Greisel, for applicant.

Mrs. Mary McNary being first duly sworn, testified as follows:

- Q: What is your name? A: Mary McNary.
Q: How old are you? A: 24.
Q: What is your post-office address? A: Here, Muskogee.
Q: Did you ever personally appear before the Commission to the Five Civilized Tribes for the purpose of making application for enrollment as a citizen of the Creek Nation? A: Only this time.
Q: This is the first time you say? A: Yes sir.
Q: Did you ever at any time authorize any one to write to the commission in your behalf in regard to the application?
A: Just that, that is all. (Witness refers to letter)
Q: You refer to a letter that you now present, addressed by the Commission under date of October 24, 1902, to one E. M. Caffry of Hutchinson, Kansas, is that the letter you refer to? A: Yes sir.

Commission introduces letter as evidence to be read filed with and made a part of the record herein.

Questions by Mr. Donovan:

- Q: After receiving this letter from the commission, why did you never appear in person? A: I didn't know I could come up to that law.
Q: You mean the law cited in the letter? A: Yes sir. Attorney for applicant objects to the introduction of the letter on the ground that the law in the letter has been incorrectly stated)

Questions by Commissioner:

- Q: Do you claim to be a citizen by blood of the Creek Nation?
A: Yes sir.
Q: As a Creek Freedman? A: Yes sir, a creek Freedman.
Q: Do you ~~claim to be a citizen by blood and~~ claim by blood and also as a creek freedman? A: Yes sir.
Q: What was the name of your father? A: Mack Whitlow, his right name is Rollin Whitlow. His short name is Mack.
Q: Then he went by two names, Rollin and Mack Whitlow?
A: No sir, Rollin Whitlow is my father's name, his people call him Mack but his right name is Rolland Whitlow. We always call him that, I never heard him called by any other name besides that and Mack, for short. That should be his name, Mack Whitlow.
Q: Was he a citizen of any of the Five Civilized Tribes?
A: He was a Creek.
Q: Was he duly enrolled by the Creek Tribe of authorities?
A: I guess so.

- Q: Did he ever receive any money as a Creek citizen? A: Not as I know of, I couldn't say.
- Q: Do you know if his name appears on any of the Tribal rolls? A: I couldn't say.
- Q: Do you know? A: No sir, I don't.
- Q: What is your mother's name? A: Isabella Whitlow.
- Q: What was her maiden name? A: Isabella Neal, I hardly realize my mother.
- Q: Was she a citizen of any of the five tribes? A: Yes sir, she was a Creek too.
- Q: Is your father living? A: He is dead. Mother and father both are dead.
- Q: When did your father die? A: He will be dead a year if he had lived to see the 4th. of August.
- Q: Did he die last August? A: Yes sir, sometime last August, I never saw him, but he is dead though.
- Q: When did your mother die? A: Mamma had been dead quite a while, I never saw her when she died.
- Q: Do you know if her name appears on any of the Tribal rolls or whether she was a Creek Freedman? A: Yes sir, I guess so.
- Q: Do you know anything about it? A: I couldn't tell, it is liable to be there, I don't know anything about it, you know I am telling what I know, no more.
- Q: Were you ever admitted or enrolled by any authority? A: Only this here, this is my first.
- Q: Were you ever recognized as a citizen? A: Yes sir.
- Q: I mean by the Tribal authorities or the United States authorities in any way? A: I can't understand you.
- Q: Did you ever receive any money as a citizen of the Creek Nation? A: No sir, never did in my life.
- Q: Do you know whether your name appears on any of the Tribal Rolls? A: I guess it ought to be.
- Q: Do you know whether it is on any of the tribal rolls? A: No sir, I couldn't say whether it is or not.
- Q: Do you know whether your father received any money as a citizen of the Creek Nation? A: No sir, I don't know, whether he did or no, I couldn't say.
- Q: Do you know whether your mother received any money as a citizen of the Creek Nation? A: No sir, I don't know, I can hardly realize my mother.
- Q: Where have you lived most of your life? A: Most of my life? Q: Where have you lived mostly? A: Where? Well, Buffalo, New York. I just traveled about with white people. They raised me from a child.
- Q: Where were you born if you know? A: Arkansas District. That is where I was born in.
- Q: Who told you that? A: I know that is where I was born.
- Q: How long did you live in Arkansas district after your birth? A: I lived there until I was 7 years old.
- Q: Where did you go from there when you were 7 years of age? A: I went to the west.
- Q: Where? A: Colorado Springs, at Pikes Peak, I left here with a white family, with Mr. John Wilhite.
- Q: How long did you stay in Colorado? A: About 2 years, maybe longer.
- Q: Then where did you go? A: Backwards and forth, to Texas and different places, wherever they was going I would go with them.

- Q: How long were you out of the territory after you were 7 years old until you came back? A: Oh, I don't know, I came back whenever I could, every year or so.
- Q: Were you in Colorado for 2 or 3 years continuously without coming back to the territory? A: No sir, I came back and forth.
- Q: How many times did you go backward and forth, in that interval you stated you were in Colorado? A: From the time they were there until they got ready to leave.
- Q: How many times did you come to the territory while you were out there? A: I don't know, they came so much, and I came whenever they let me come on a visit to my friends whenever they would let me come.
- Q: Did you go from Colorado to Texas? A: Yes sir, then back here.
- Q: How old were you when you left them in Texas to come back here? A: Well I am 24 now, you can count from that on.
- Q: Have you been in the territory since? A: Off and on.
- Q: Where were you when you were away from here? A: Sometimes in Kansas City and Hutchinson, just in the different places, a person can't keep up with them.
- Q: You are a servant girl are you? A: I am a matron or trained nurse and have so much to think of that I can't keep up with all of these little funny things.
- Q: How long have you been in the Creek Nation this last time since you arrived here? A: Since last summer, the 9 day of June.
- Q: A year ago? A: Yes sir.
- Q: And you have been here ever since? A: Yes sir.
- Q: How long a stay did you make away from the Creek Nation prior to last June? A: I guess 3 or 4 or 5 months or something like that.
- Q: Well then you were here only a few months prior to last June? A: I have been here ever since June.
- Q: You were away from here before June? A: Yes sir, but I would come back as soon as they would turn me loose, you know when a party has to do the work I do, they can't stay in a place long.
- Q: Were you in Muskogee 4 years ago? A: Yes sir, I was here 4 years ago. I was here in 1900, I have been here off and on.
- Q: Were you here 3 years ago? A: Yes sir.
- Q: Were you here 2 years ago? A: Yes sir, I was.
- Q: When you came here, you would stay several months at a time, would you? A: Yes sir.
- Q: Who were you living with? A: With a girl by the name of Jackson, a lady friend of mine, I would stop with her when I came here, when I wasn't with the white people, but I was mostly with the white people, when I wasn't stopping at hotels or something like that. I stopped at the hotels a good part of the time.
- Q: This is the first time you ever appeared before this Commission or this office to make application? A: Yes sir.
- Q: You stated a moment ago, that this was the first time you ever appeared before the commission for the purpose of making application for enrollment as a Creek citizen? A: Yes sir.
- Q: It now appears in the examination of our records that one, Mary McNiry came to this office on February 13 of this year and testified in the matter of her alleged right as a citizen, were you here on February 13, 1906? A: Did you appear in this office here?

- A: I don't remember of coming in this side of the office. I came up here with a lady but I never said anything to anybody about nothing. I never came on this side.
- Q: Did you ever live in Hutchinson, Kansas? A: Yes sir, stayed there for a while.
- Q: What was your street number in Hutchinson, Kansas?
- A: I don't know that, where I stayed I think they called it---
- Q: Do you remember your address there? A: I forget the number of the house, but I was thinking of the street. I lived there a while.
- Q: Did you at any time go to the office or apply to Wiley McIntosh, or his father Tobe McIntosh to have them do something for you in this matter? Did you or did you not?
- A: I tried but there wasn't nothing to him, like al l the rest of the people.
- Q: When did you first go to Wiley McIntosh to talk with him about this matter? A: Oh, it was last year.
- Q: Did you pay him any money? A: I paid him \$10.
- Q: From statements you have just made and from the testimony given by you on February 13, it appeared that you are the same Mary McNary who came here on that date on the last mentioned date, and testified in regard to an alleged application, what do you mean by stating a few minutes ago that today was the first time you ever appeared before the Commission in the matter.
- A: I never did come here and talk to any one of them nothing, it was only in the writing. I guess Wiley did that.
- Q: Mary is your memory of events and dates very good? Sometimes I ain't got a good memory, at times I have, I have got so much on my mind it would take a dead man to keep up with it.

Tobe McIntosh, being first duly sworn, testified as follows

- Q: What is your name? A: Tobe McIntosh.
- Q: How old are you? A: A little over 70 years.
- Q: What is your post-office? A: Muskogee.
- Q: Are you acquainted with a person by the name of Mary McNary?
- A: Shortly. I know her when I see her.
- Q: You say you know her when you see her? A: Yes sir.
- Q: When did you first see her to know her? A: The first time I seen her, I saw her in Muskogee, about a year ago.
- Q: Did she come to you at that time and talk with you in regard to her alleged rights as a Creek? A: Yes sir.
- Q: Did she pay you any money at that time? A: I think she paid me a couple of dollars. I don't know.
- Q: Is your memory, in regard to the amount paid you at that time as good as your memory in regard to what you may testify in regard to her parentage? A: No sir, I don't know.

- Q: You don't remember what was paid you? A: No sir.
- Q: What did she pay you that money for? A: She asked me if she had an application in, if I knewed these people, would I be a witness for her. I told her I wouldn't be a witness for nobody unless they paid me.
- Q: You have testified in a great many cases before this office, haven't you? A: Yes sir, a good deal of it.
- Q: Have you received money each time you have testified? A: Sometimes I do, and sometimes I don't.
- Q: You ask for money from these people do you? A: I told the people that I couldn't leave my home and come down here to Muskogee and testify for anybody unless they paid me.
- Q: Don't you live in Muskogee, Tobe? A: I live out there but I have a farm.
- Q: Aren't you in Muskogee most of the time? A: Most of the time on account of witnesses that send for me, I don't send for them.
- Q: Aren't you most of your time in the office of your son Wiley McIntosh? A: Yes sir.
- Q: When these people come to you in regard to their rights they may have as citizens of one of these nations, you tell them you will come up here and testify for a certain sum of money, do you? A: I'll tell you, they comes to Wiley for Wiley to written up their application and Wiley charge them \$10 for writing up the application and out of that they pays me a dollar and a half, out of it.
- Q: For testifying? A: Yes sir, if I knows them, if I don't know them I say I don't know them.
- Q: What do you know about this Mary McNary? A: Very little I know about her. I know the people that she claimed to be her people.
- Q: But you don't know that these people that she claims to be her people are her people do you? A: Certainly not.
- Q: How much has this Mary McNary paid you to come up here and testify? A: That is what I can't tell you. I know ~~she~~ she paid \$2.00 once and a dollar once, I don't know how much she paid when she made the application.
- Q: Did you suggest to her as to the name or the probable names of her parents? The people that she claims to be? Did you suggest to her the names or the tribal names of her parents? A: Not of her parents, but she told me.
- Q: Did you tell her you could testify about certain people? A: Yes sir.
- Q: Did you tell her that these people you couldn't stify about or did she tell you that she was any relation to any of these people she wanted you to testify about? A: You talk very deep language to me But at the same time the people she named to me I told her I knew these people.
- Q: Did she name them before you named them to her? A: No sir.
- Q: I thought perhaps you might have put some words into her mouth? A: Oh no.

Questions by Counsel for Applicant, Mr. Donovan:

- Q: Who did Mary tell you her father was? A: Rollin.
- Q: What was his last name? A: Rollin---- my remembrance comes and goes.
There was Rollin and Billy two brothers I know but the last name, I can't recollect it.
- Q: Who was his owner? A: Billy was his owner.
- Q: You don't know his last name?
- A: Yes, I had it in my head but he asked me so much questions it won't come to me right away. They all live on Red Fork.

- Q: To be do you know Rollie Whitlow? A: That is the name, Rollin Whitlow and Billy Whitlow.

The Commission states that the attorney for applicant suggested to examiner, that the purpose in having this witness, was merely to identify the parents of the alleged applicant, and suggested that he would like to suggest the name of the parents of applicant to the witness. The Commissioner objected and after this objection the attorney for applicant asked the last question.

Questions continued by Mr. Donovan:

- Q: Was Rollin Whitlow a slave of Billy Whitlow? Commissioner objects to leading questions.
Q: Who was Rollin Whitlow's owner? A: They all belong to Billy I suppose, I couldn't say whether he was his master or what, but they lived with Billy.
Q: Where was Rollin Whitlow, ~~where~~ after the war do you know?
A: During the war they came to Fort Gibson, after the war I never saw them.
Q: Have you ever seen them since? A: No sir.

Mr. Harvey Patrick, being first duly sworn testifies as follows:

Witness introduced by Commissioner.

Questions by Commissioner:

- Q: What is your name? A: Harvey Patrick.
Q: How old are you? A: Well I am about 35 or 36 years old.
Q: What is your post-office address? A: Taft.

Attorney for applicant states that is this is a witness for the applicant that he desires the applicant to be in the room. Applicant is called.

- Q: Are you acquainted with a person by the name of Fobe McIntosh the person who just preceded you on the stand? A: Yes sir.
Q: Are you a citizen of the Creek Nation? A: Yes sir.

- Q: Did you at any time appear before Fobe McIntosh in regard to your rights as a creek citizen, did you go to him?

(Counsel for applicant objects, because it is incompetent irrelevant and immaterial.

Commissioner states that we want to establish that Fobe McIntosh has been paid various sums of money from different people.

Counsel for applicant objects because it is not proper to put matters of that kind into the testimony).

Counsel now appeals from the Clerk to the Commissioner himself on the testimony.

Counsel for applicant objects for the reason that in

impeaching a witness's testimony there must be a foundation laid by first asking the witness himself concerning each transaction about which they are going to testify, if they haven't done that they, witness cannot testify about any particular transaction, but he can only state his acquaintance in the neighborhood and if he knows his reputation for

truth and veracity.

-7-

Commissioner: In this manner I just want to show that Tobe McIntosh was accused of receiving money for testifying in this case. He only admitted that he received small sums for doing so. The applicant in this case testified that she had paid him ~~\$25.00~~ \$10.00 for something he was to do for her in her case. Counsel for applicant: (That was paid to Wiley McIntosh she testified)

Commissioner: As I understand this witness here, he will testify that she paid Tobe McIntosh a certain sum of money for testifying in his case, and I think in as much as he was called as a witness, he could be impeached to that extent)

(Commissioner states that he will take the testimony for what it is worth)

Continuing:-

- Q: Did you ever go to Tobe McIntosh and ask him to do anything for you in a citizenship matter? A: Yes sir.
- Q: Did you pay him anything in advance for anything he should do? A: No sir.
- Q: Did you at any time pay him anything?
- A: Yes, I have given him money.
- Q: Did you sign a contract with him that he was to do certain things for you? A: No sir.
- Q: How much money did you pay him? A: I guess at different intervals, somewhere along 10 or twelve dollars, I guess.
- Q: Did you give him a promissory note for any more?
- A: Other than the amount I gave him? No.
- Q: You only paid him ten or twelve dollars? A: Somewhere along there, I guess.
- Q: What did Tobe do for you at that time? A: At that time he was one of the witnesses I had on my case.
- Q: He came up here and testified did he? A: Yes sir.
- Q: I will ask you this question again: Did you make a promissory note in favor of Tobe McIntosh?
- A: To the amount I gave him? A: For any amount? A: Yes sir
- Q: Was that amount 5, 10 or 25 dollars?
- A: Let me see, I don't know just what the amount was for. I don't know now, whether it was 5, 10 or 25 dollars, that is why I said it must be 10 or 12 dollars, I am guessing as near as my remembrance serves me now. I didn't pay any particular attention to it.
- Q: When were you to pay him any money on the promissory note?
- A: I forget now what the date was. I don't know whether it was October or September or when.
- Q: Did that payment of that money by you to him depend on whether you get your citizenship rights in the nation?
- A: Not particularly, I told him of course it kind a depended if the rights turned up I would pay him at the end of the month. That is, at that time, it was about the only way I had to give him the money.

Questions by Applicant's Counsel, Mr. Donovan:

- Q: When you paid Tobe to assist you in your case, did you pay him to tell a lie or perjure himself? A: No sir.
- Q: Was there any understanding between you that he should perjure himself on your case?
- A: No sir, it was for his time and trouble.

Tally Lewis being first duly sworn, testifies as follows:

Counsel for Applicant: Mr. Denevan.

- Q: What is your name? A: Tally Lewis.
Q: How old are you? A: About 77.
Q: What is your post-office address? A: Taft.
Q: Are you acquainted with a person named Mary McNary? A: No sir. Mary what?
Q: Mary McNary is her name but it might be Mary McNiry. Do you know her? A: No sir. That girl that was in here I just got acquainted with her the other day, I don't know her name?
Q: Tally who did she tell you was her father?
A: She said Rolly. Rolly was her uncle she said.
Q: Rolly who? A: I know but it has been so long ago it is out of my memory, they used to live up here at Red Fork but her, I don't know her, but I knows the old folks.
Q: Do you know the people she claims are her parents? A: Yes sir.
Q: Who does she claim is her father? A: Well, as I say I forget the name.
Q: Would you know the name if you heard it? A: Yes sir.
Q: I will give you several names and when I come to the right one stop me. Jones, Smith, Brown, Whitlow, Partridge, any of those names? A: Yes, Rollin Whitlow, and Billy Whitlow, but this girl I don't know her.
Q: You knew Rolly Whitlow? A: Yes sir.
Q: Who was his owner? A: Billy. I guess Billy was his owner, he was there with Billy.
Q: Did you see Rolly Whitlow after the war? A: I didn't see him after the war, at Bixby everybody scattered out and I never seen him since.
Q: Was Rolly there when you say they all scattered out after the war? A: Yes sir.
Q: You haven't seen him since that time? A: No sir.
Q: You don't know what became of him? A: No sir.
Commissioner asks counsel for Applicant:
What was your object in introducing this witness?
Counsel states, "Simply to give some information about Rolly Whitlow."

Counsel for Applicant is advised that it may be necessary that the witnesses who have been introduced today in this case shall be brought back to give further testimony)

I, Julia C. Laval, on my oath state that the above and foregoing is a correct and complete transcript of my stenographic notes as taken in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me this 24 day of June, 1906.

H. G. Hains
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER, TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Mary McNary as a citizen of the Creek Nation.

D E C I S I O N.

The record in this case shows that on February 13, 1906, Mary McNary appeared before the Commissioner and gave testimony in the matter of an application alleged to have been made for her enrollment as a citizen by blood of the Creek Nation. Further proceedings were had June 26, 1906, at which time she stated that she claimed her right to enrollment as a citizen by blood of the Creek Nation and also as a Creek freedman.

The records of this office show that on October 18, 1902, the Commission to the Five Civilized Tribes received a letter written on behalf of one "Mary McNairy formerly Mary Whitlow" making inquiry with reference to her right to enrollment as a Creek, which is herein considered an original application for the enrollment of said Mary McNary as a citizen of the Creek Nation.

It appears from the evidence in this case that said Mary McNary is the daughter of Rollin (or Mack) Whitlow and Isabella Whitlow, whose maiden name was Isabella Neal, both of whom the said Mary McNary alleges were Creek citizens. The evidence further shows that on June 26, 1906 said Mary McNary was twenty-four years of age.

The evidence and the records of this office fail to show that either of the parents of said Mary McNary are identified upon the roll of Creek freedmen prepared by J. W. Dunn under authority of United States prior to March 14, 1867, or that their names, or either of them, appear upon the 1890 authenticated tribal roll or 1895 pay roll of citizens by blood of the Creek Nation.

The evidence and the records of this office fail to show that the name of said Mary McNary appears on the 1890 authenticated Creek tribal roll or the 1895 pay roll of said nation; or that she was ever admitted to citizenship in the Creek Nation by any of the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian

Territory on appeal.

It is, therefore, ordered and adjudged that said Mary McMary is not entitled to be enrolled as a citizen by blood of the Creek Nation or as a Creek freedman under the provisions of the Acts of Congress approved March 1, 1901 (31 Stat. L. 861) or June 30, 1902 (32 Stat. L. 900), and the application for her enrollment as such is accordingly denied.

 COMMISSIONER.

Muskogee, Indian Territory,

FEB 13 1907

(COPY)

Hutchinson, Kans. Oct. 15, 1902.

The Daws Commission,

Okmulgee, I.T.

Gentlemen:-

I write you in behalf of Mrs. Mary McNairy, formerly Mary Whitlow, her father was a full blood Creek Indian, his name is Mac Whitlow, her mother was a mixed negro, Choctaw and Creek. The claimant made her home close to the Creek line until about six years ago, she is now 23 years of age, married but has no children.

Now what Mrs. McNairy wants to know is: can she enroll and prove up her head-right without coming to the Agency? Or what she will have to do in order to prove up her right. Would she be compelled to go there or could she have necessary papers fixed out here. She wants to know what is required by law and how to proceed in a legal way. Kindly advise me.

An early reply will greatly oblige.

Very respectfully,

(Signed) E. M. Caffry.

Endorsed as follows:

Commission to Five Tribes. INDEXED Oct. 24, 1902 (in pencil)
No. 18705 1902. Received Oct. 18 1902 Answered Book Page
Caffry, E. M., Hutchinson, Kans., October 15, 1902.

Asks how Mrs. Mary McNairy shall proceed to prove her right to Creek enrollment.
Creek.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 14, 1903.

Mary McNairy,
#809 East G. Street,
Hutchinson, Kansas.

Dear Madam:

The Commission is in receipt of your letter of March 7, 1903, asking for information in regard to establishing your rights to be enrolled as a citizen of the Creek Nation, and stating that your maiden name was Mary Whitlow.

Replying thereto, you are advised that the records of this office show that no person by the name of Mary McNairy or Mary Whitlow is enrolled as a citizen of the Creek Nation; that no application has ever been made for her enrollment, that her name does not appear upon any of the authenticated Creek tribal rolls now in the possession of the Commission, and that she has never been admitted to citizenship in said nation by the Creek tribal authorities or the Commission to the Five Civilized Tribes.

You are further advised that if you desire to make application for enrollment as a citizen of the Creek Nation, it will be necessary for you to appear in person before the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Chairman.

66-1036-
Office of
36193 Indian Affairs 1904

Recd. May 31

James Connor

Muskogee

I Ty

Rel to his rights as a

Cherokee Ind.

Commissioner to the Five
Civilized Tribes

No.
18310
1904

Received
June 6, 1904

Department of the
Interior,

May 31, 1904.

Respectfully referred
to the Commissioner to
the Five Civilized Tribes
for consideration and
appropriate action.

(Signed) Thos. Ryan

Acting Secretary

LRS

Department of the Interior

Received

May 21, 1904

No. 4151

Indian Territory Division.

(COPY)

Muskogee, Ind Ter

May 17th 1904

Hon Hitchcock

Washington D C.

Dear Sir

I has maid several attmpts here with the Dawes
Commision business has been of such that I could not get before
them and beaing a poor man and lawyers charges was \$2.5000 I
thought it best to lay my claim before you I came with the
Indians from Misspi in 1836 My mother or decendant was of the
Famillys of Conway Her name was Tanner Conway My father name
was Aaron Corner I am intitle by blood to all rights and
privilage an other native My father was not a slave but was a
Cherekee Indian My grand mother on mother side was named Bulah
Warful I also inclose some witnesses who was personally known
to my decendant Hoping this will meet yours approval I am

(Signed) James Corner

P.S. I have four children two under age

Toke McIntosh

John B. Arnwell

INDEXED.

25333 JUN 21 1906

Conner, James

S,

Muskogee, I. T.,
June 21, 1906.

Asks that Commission be directed
to open his application for
enrollment as a Creek freedman
and transmits affidavit in
support thereof.

CREEK ENROLLMENT.

Department of the Interior,
RECEIVED
JUN 15 1906
No. 6851
Indian Territory Division.

Department of the Interior,
June 19 1906.
Respectfully referred to the
Commissioner to the Five Civil-
ized Tribes for consideration
and appropriate action.

Jesse E. Wilson
Assistant Secretary.
H.B.

Muskogee, Indian Territory, June 11th., '06

Hon. Secretary of the Interior,
Washington, D.C.

My dear sir:-

I have made several efforts to be enrolled as a Freedman of the Creek nation, first four years ago and twice since that time. For some reason my case has never been opened and I have been thereby deprived of pleading my just cause for citizenship. I feel that if I could have my case opened I would be able to prove my rights for allotment beyond a doubt. I am the son of one Tom Connor whose name appears upon the rolls of the Dawes Commission and who shared in the distribution of the payments made to the citizens of the Creek nation. I can prove by a number of witnesses, that I am the lawful son of the said Tom Connor. I can prove too that I have made application several times to be enrolled as a member of the Creek tribe.

I was taken to Texas at the close of the Civil War by a Posey and it was some years before I was able to return to the territory. I therefore pray that you direct the Dawes Commission to open my case and thereby allow me to plead the justice of my cause. I feel there is no doubt but that I can prove my claim to enrollment in the Creek tribe if my case is allowed to be opened.

I enclose herewith three affidavits from citizens of the Indian Territory, all of whom were personally acquainted with my father.

Thanking you in advance for a prompt reply, I am,

Yours very truly,

James Connor

James Connor

Gen. S. C. Lewis

Gr. No. 1020.

Muskogee, Indian Territory, January 17, 1907.

Irwin Donovan,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are advised that you will be allowed seven days from the date hereof to introduce further evidence in the matter of the alleged right of Mary McFary to enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Cr. En. 1080

Muskogee, Indian Territory, January 17, 1907.

Mary McNiry,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that you will be allowed seven days from the date hereof to introduce further evidence in the matter of your alleged right to enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

724H

REFER IN REPLY TO THE FOLLOWING:

Cr. No. 1020.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1907.

Mrs. Mary McNary,

General Delivery,

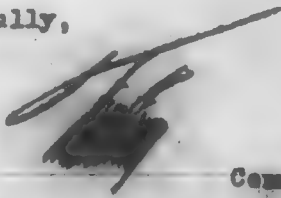
Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,



Commissioner.

Register.
IM-173.

Cr.Rn.1020.

Muskogee, Indian Territory, February 14, 1907.

Irvin Denevan,

Attorney for Mrs. Mary McNary,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mrs. Mary McNary, as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IM- 174.

Cr. No. 1020.

Muskogee, Indian Territory, February 14, 1907.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mrs. Mary McNary, as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-175.

Cr.En.1020.

Muskogee, Indian Territory, February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Mrs. Mary McFary, as a citizen of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM-176.

Through the Commissioner
of Indian Affairs.

Refer in reply to the following:
Land 16587-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Mrs. Mary McNary as a citizen of the Creek Nation, including the decision of Commissioner Bixby dated February 13, 1907, adverse to the applicant.

The decision of Commissioner Bixby has been examined and found to be correct and it is approved and recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM. Ph.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.F.
O.K.

182 I.T.D.

March 2, 1907.

5786, 5788, 5844, 5874-1907.
5884, 5484, 5804, 5810-1907.
5886, 5668, 5670, 5676-1907.
5678, 5698, 5702, 5706-1907.
5712, 5720, 5766, 5770-1907.
5812-1907.
D.C. 12640-1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Greek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your Letter of Transmittal.
Minnie Atkins,	February 9, 1907.
Willie Nash (Freedman)	February 11, 1907.
James Andersen et al.	February 12, 1907.
Wallace Smith (deceased).	February 13, 1907.
John Atkins (Freedman)	February 16, 1907.
Master Scott et al. (Freedman),	February 9, 1907.
Mary Elizabeth Ellis,	February 9, 1907.
Charles Hawkins et al. (Freedman),	February 13, 1907.
Jimmie Conner et al. (Freedman)	February 14, 1907.
John Leasher (deceased),	February 14, 1907.
Olive Grant and Reba Baker,	February 16, 1907.
Gonnetta Peters (Freedman),	February 16, 1907.
John Guy (deceased) (Freedman),	February 14, 1907.
Martha Porter (deceased),	February 14, 1907.
George Wolf (Freedman)	February 16, 1907.
Mattie Bird, deceased,	February 19, 1907.
Jennie Lewis (Freedman)	February 15, 1907.
Mary McNary	February 14, 1907.
Alonza Franklin (Freedman)	February 14, 1907.
Gracie Johnson (Freedman)	February 16, 1907.
Katie Jamison, deceased (Freedman),	February 14, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

WJF 3/3/07.

21 inc. and 42 inc.
to Indian Office.

Gr.No.1020.

Muskogee, Indian Territory, March 15, 1907.

Irwin Donovan,

Attorney for Mary McNiry,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Mary McNiry, as a citizen of the Creek Nation.

Respectfully,

Commissioner

IM

Cr. En. 1020.

Muskogee, Indian Territory, March 15, 1907.

Mary McNiry,

General Delivery,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for your enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

LM

CR EN 1021

CR EN 1021

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 12, 1906.

In the matter of the application for the enrollment of Mary Rodgers, deceased, as a Creek Freedman.

WILLIAM JACKSON, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A William Jackson.
- Q How old are you? A Thirty-four or thirty-five.
- Q What is your post office address? A Brush Hill.
- Q Have you received your deeds to land in the Creek Nation? A Yes, sir.
- Q What is your father's name? A Jack Carolina or Carolina Jackson.
- Q What was your mother's name? A-----
- Q Do you know Mary Rodgers? A Yes, sir.
- Q Is she any kin to you? A No, sir.
- Q Do you know Henry Jackson? A Yes, sir.
- Q Is he any kin to you? A My brother.
- Q Was he married to Mary Rodgers? A Yes, sir, kind of.
- Q Is Mary living? A No, sir.
- Q Were you living near her when she died? A Yes, sir.
- Q Were you present when she died? A No, sir, but went to the burying.
- Q When did she die? A I couldn't tell which year it was.
- Q Do you remember when the Creek Land Office opened? A Yes, sir.
- I don't remember the day.
- Q Do you remember the circumstance of the opening of the land office?
- A No, sir.
- Q Don't you know when people first began to file? A Yes, sir.
- Q At that time was Mary Rodgers living? A I don't know whether she was or not. I don't remember it.
- Q Don't you know whether it was before or after they commenced filing? A I don't recollect.
- Q What was the name of her father? A Rector Rodgers.
- Q What was the name of her mother? A Angeline.
- Q Angeline what? A She went by Angeline Williams.
- Q Wasn't Warrior was it? A I don't know.
- Q Was her father a Creek citizen? A I don't know.
- Q Was her mother? A I don't know. I think she claimed to be a Choctaw.
- Q Do you know whether Mary Rodgers is enrolled in the Choctaw Nation or not? A No, sir. I think she drew as a Creek. That is what the old man claimed.
- Q What old man? A Flem Green.
- Q Was this woman ever enrolled as Mary Green? A I don't know.
- Q You don't know whether she was enrolled or not do you? A No, sir, I ain't positive but I think she drew the payment.
- Q What payment? A The \$29.00 and the \$14.00.
- Q How long after the \$14.00 Payment did she live? A I don't know just how long it was.
- Q Do you know whether she ever applied for enrollment as a Creek citizen? A I don't know whether she did when they opened up there at Wellington.
- Q She couldn't if she was dead could she? A No, sir.

Q Was she dead then? A I don't know.
 Q Can't you tell whether you went to her funeral after they enrolled at Wellington or not? A No, sir. I think she died between 1900 and 1901.
 Q Was that after the land office opened or before? A I don't just recollect when the land office opened.
 Q Do you know when that enrollment at Wellington was? A I think that was in 1898.
 Q Was Mary Rodgers living then or not? A I just can't tell. If she didn't die in that year she was living.
 Q Is Henry Jackson living? A Yes, sir, the last time I see him.
 Q What is his post-office address? A Muskogee.
 Q Do you know Henry Grayson? A Yes, sir.
 Q Is he living? A Yes, sir.
 Q Do you know Julia Bruner? A Yes, sir.
 Q What is her post office address? A Brush Hill.
 Q Is she living? A She is dead.
 Q We want Henry Jackson and Henry Grayson to appear her at this office? A Henry Jackson is right here in Muskogee.
 Q The Creek Land Office opened April 1, 1899? A I was in Muskogee.
 Q Didn't you hear about it? A No, sir, I was in jail and didn't hear about it.
 Q When did you go to jail? A In September.
 Q What year? A 1899.
 Q Was Mary Rodgers living then? A To my recollection she was.
 Q What do you mean by that? A Far as I remember.
 Q Don't you remember positively whether she was living then? A I went off in August and when I came back they put me in jail.
 Q Was Mary living when you went off? A Yes, sir, Mary was living.
 Q Are you sure of that? A Yes, sir, I am sure she was living.
 Q That was in 1898? A Yes, sir.
 Q How long did you stay in jail? A Five and a half months and a little over.
 Q What were you put in for? A Accused of larceny.
 Q When you got out of jail was Mary living? A I got out in June sometime and Mary was living then.
 Q Are you sure of that? A Yes, sir, sure she was living.
 Q How do you know? A Why, I seen her after I got out.
 Q Where did you see her? A At home.
 Q Did she have any children then? A Yes, sir.
 Q What is the name of the child? A Queen Victoria.
 Q What made you state awhile ago, if all this is true, that you didn't know whether she was living in 1898 or not? A As far as my recollection.
 Q Then this information you now give about her being alive at the time you went to jail and after you got out in June or 1899 is just from your recollection? A I told you after I came to my recollection just what I knewed about it--after I got to counting it over and studying about it. I didn't pay no idea to it or keep any track.
 Q Did you say Mary's mother was a Choctaw? A That is what I heard.
 Q What was her father? A A Creek.
 Q When did he die? A I don't recollect.
 Q Was he living at the time the 1890 Payment was made? A No, sir.
 Q Are you sure he was dead? A He had to leave this country.
 Q Didn't you say Mary's father was killed when you were a little boy? A Yes, sir.
 Q Well, if that is true he was not living when the 1890 Payment was made, was he? A Well, he wasn't here. He was in the Chickasaw Nation. He had to leave here.
 Q The payment was made about sixteen years ago. If he was killed when you were a boy he was not living when that payment was made. How old were you when he was killed? A About twelve.
 Q That was over twenty years ago? A Yes, sir.
 Q Well he was dead at the time of the payment? A I guess so.
 Q You don't know that Mary was ever recognized by the Creek Authorities do you? A No, I don't, but I heard she Arawed with the Creeks

- Q Under what name? A By Mary Rodgers or Green, I don't know just which.
- Q You don't know that her name was on any of those pay rolls do you? A No, sir.
- Q How old was she when she died? A She was along, I reckon, about eighteen or nineteen years old.
- Q Where did Mary Rodgers die? A At her mother's house.
- Q What was her mother's name? A Angeline Warrior.

---00000000---

I, D. C. Skaggs, do oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 24th day of February 1906

J. M. Durvill
Notary Public.

En. 1021.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., March 2, 1906.

In the matter of the application for the enrollment of Mary Rodgers, deceased, as a Creek Freedman.

HENRY JACKSON, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Henry Jackson.
- Q How old are you? A About twenty-nine or thirty.
- Q What is your post office address? A Muskogee.
- Q Post office box No. 994? A Yes, sir, that is my father-in-law's box. It all goes in the same box.
- Q Who is that father-in-law? A R. Pickens. He is a state man.
- Q Have you received your deed to land in the Creek Nation? A Yes, sir.
- Q What is your father's name? A My father's name Carlina Jackson. That is the name I learnt.
- Q What is your mother's name? A Julia Jackson.
- Q Do you know a woman named Mary Rodgers? A Yes, sir.
- Q Any relation to you? A No, sir.
- Q No kin at all, in any way? A No, sir.
- Q Were you married to her? A Yes, sir, I married her under the Indian law.
- Q What do you mean by that? A Just like the Indians used to do, recognize a man and wife.
- Q How long did you live with her that way? A I lived with her until 19, I believe. She died in 19.
- Q That is no answer. I asked you how long you lived with her: not when she died? A I lived with her from 1897 to 1900.
- Q When did you first begin to live with her--what day and what month?
- A It was in the month of September, 1898, but what day, I don't know. It was in September, 1898.
- Q Did you have any kind of a ceremony when you were married to her, in the Indian way? A No, sir.
- Q What did you do, just go and live with her? A Yes, sir, that is the Indian way.
- Q That was not the Indian custom. Didn't you join hands in the presence of witnesses? A No, sir. They used to call that the lawful way.
- Q You were not married the lawful way? A No, sir.
- Q You were not married at all? A They called it man and wife.
- Q Did you live with her as her husband as much as a year? A Yes, sir, over a year.
- Q Without any separation. Without her living with any other man or you with any other woman? A Yes, sir.
- Q What year was that you began living with her? A It was 18-----
- new I never take much attention to that but it was between '97 and '98-----well when that comes up I will tell the rest of that.-----but it was between '97 and '98, because I was disputed in '96.
- Q What do you mean by that? A As a citizen of the Creek Nation.
- Q Now does that fix the year of you first living with her? A Well, I was just calling back what time I was going to school. I was going to school in '96 and I couldn't go to school any more so I just took me a wife and went to work.
- Q You said you were arrested in 1897. What were you arrested for?
- A I said I was disputed.
- Q Have you ever been in jail? A I been in jail nine days.

Q What for? A They accused me of having some boys steal some cattle.

Q Is that the only time you were ever in jail? A Yes, sir.

Q Have you ever been in the penitentiary? A No, sir, never was to the pen.

Q Do you know what year this is? A This is 1906.

Q Mary Rodgers didn't die this year, did she? A No, sir.

Q What was last year? A 1905.

Q How long has Mary Rodgers been dead? A Well, according to my knowledge Mary Rodgers was dead about six years ago.

Q What do you mean by 'according to your knowledge'? A Far as I know about it.

Q Wouldn't you know if any one did? A I knew she is dead.

Q What is the date of her death? A The 10th day of August----

I told you twice you were under oath. I want you to answer my questions. When you said 'according to my knowledge' I asked you, "wouldn't you know if any one did?" A Yes, sir. ~~Yes, sir.~~

Q Wasn't very certain in your mind when she died? A I couldn't give the straight day because I aint got it down.

Q Why did you start to give the exact date of the month and year if you can't give the straight date? How can you do that? A I have to stray over my mind and see.

Q Were you living with her when she died? A No, sir, I wasn't living with her exactly when she died.

Q How long had you been separated from her when she died? A I quit living with her that same spring.

Q You mean she died in the same season of the year in which you separated from her? A Yes, sir.

Q What season of the year did she die? A In August.

Q What day? A I couldn't tell the exact day, because I didn't put it down.

Q How do you know the month? A Because I knew the month all right.

Q How do you know it? A Because it was August.

Q That is no answer? A I answer the best I know how.

Q Were you present when she died? A No.

Q Did you go to her funeral? A Yes, sir.

Q Where was she buried? A In the same neighborhood she died in. where was that? Brush Hill.

Q Was she buried in the grave yard? A Yes, sir.

Q What is the name of it? A I didn't hear the name of it.

Q Are there other people buried there? A Yes, sir.

Q Is there any mark on the grave showing the date of her death? A Yes, sir.

Q What kind of a mark is it? A Mary Rodgers++++++-----.

Q What is it on? A On a plank.

Q Have you seen that? A I seen it the day it was put there.

Q Have you seen it since? A No, sir.

Q Who put that board there? A I don't know.

Q Who buried her? A The neighborhood came together and buried her.

Q Did you have an undertaker? A No, sir.

Q Who made the coffin? A They bought it.

Q From whom? A Spaulding & Hutchison, of Checotah.

Q Did you pay for it? A Yes, sir.

Q How long did you live with her all together? in the unlawful marriage? A A little over three years.

Q Are you sure it was as much as three years? A Yes, sir. I am sure it was as much as three years.

Q You saw you remember when you began living with her because of when you quit school and that you quit school in 1896. did you begin living with her in 1896? A Not in '96.

Q How long after you quit school? A I quit school in May, 1896, and went to living with her in September the next coming year.

Q Are you sure of that? A Yes, sir, I am sure of that.

Q Are you sure you began living with her in September, 1897? A Yes, sir.

Q Sure of that? A Yes, sir.

Q You swear positively to that, and you are sure you lived with her at least three years? A I said at least three years up to the spring that I-----

Q I ask you again are you sure you lived with her three years? A Yes, sir.

Q And you testify that you quit living with her in the Spring? A It was in the Spring.

Q And she died in the fall? A Yes, sir.

Q If you were married to her in September of 1897, to September, 1898, would be one year, to September 1899, would be two years and to September, 1900, would be three years, and still you swear positively that you separated from her in the Spring? A Yes, sir, it was in the Spring.

Q Now why don't you tell the truth. I don't want you to sit up here and tell lies? A I am trying to tell the truth.

Q Do you know when the Creek Land Office opened? A No, sir, I believe not.

Q What was the name of Mary Rodgers father? A Rector Rodgers.

Q Is he dead? A Yes, sir.

Q Was he a citizen of the Creek Nation? A Yes, sir.

Q Did he receive his deeds to land in the Creek Nation? A No, sir, he has been dead a long time.

Q Ten years? A liable to be ten years, I don't know. They killed him. I couldn't tell you what year it was.

Q Was he killed ten years before you started to live with her? A She was a baby when her father was killed.

Q How old was she when she died? A I don't know her age. Her mother will tell you that.

Q Was she twenty-five years old, at least? A No, sir, she wasn't twenty-five.

Q Do you remember when you came in here to get a certificate for your land? A No, sir, I don't remember. I don't know what month.

Q Can you tell the year? A I believe I filed in 1901, but what time I received the certificate, I don't know.

Q Do you know what month you filed? A If I mistake not, it was May.

Q Do you know the day? A No, sir, I don't know the day.

Q Did you go to a picnic last August? A Yes, sir, I went to a picnic last August.

Q Did you go to one the year before? A yes, sir.

Q Do you ordinarily go to a picnic in August, each year? A Yes, sir, when I could get off.

Q Did you take Mary to any of them? A No, sir, I didn't take her. After we parted she was sickly and after they moved back off the ranch she stayed with her step-father.

Q Was Mary living when you came to file on your land? A I believe not.

Q You believe not? A I don't think she was living.

Q How long had she been dead? A You just asked me a question too soon. I won't be positive, but I made application here before.

Q Was Mary Rodgers ever known by any other name? A I don't know, sir, I don't think she had.

Q Was she ever known by the name of Mary Emma Jackson? A Yes, sir, she was known by Mary Jackson.

Q Do you know why Henry Grayson, a witness in this case, didn't come in to-day? A I didn't see him, but he got a notice from the commission in the Mary Rodgers case and he didn't know anything about the case, and thought you meant me.

Q He made an affidavit as to her death and that is the reason we want him. You tell him we want him? A I ain't going back down there I live here.

Q Do you know why Angeline Williams (or Warrior) didn't come in? A She told me she would be on that morning train for she had to be here in ten days. I guess she might come tomorrow.

Q Did you have a child by Mary Rodgers? A Yes, sir.

Q How long before she died was this child born? A Well, I couldn't tell you how long-----well, the child was born before she died.

Q Well, how long? A The child was a little over a year old when she died.

Q When was that child born. Give me the day, month and year? A Well, now you will just have to wait on me a little-----and I think you will find it on the affidavits that way.

Q Can you give the day, month and year now? A Yes, sir. It was April the 21st, 1898---April the 21st.

Q How long had you been living with Mary before your child was born? A We went together in September 1897 and the child was born in 1898, April the 21st.

Q Was that child fully developed? A Yes, sir.

Q Was it a nine months child? A That is what she said.

Q Don't you know? A Yes, sir.

Q Were you present when it was born? A Yes, sir.

Q And you saw it? A Yes, sir.

Q Didn't you hear any one say anything about it being a seven months child? A Some folks say she was a seven months child and some say she was a nine months child.

Q Is she living now? A Yes, sir, she is living. I can bring her in any day.

Q Do you know whether Mary Rodgers ever drew any money from the Creek Nation? A ~~Mmm~~ I just take what the old folks say. They said she had. Her mother will know all about that.

Q You get her mother to come in here? A Well, she will come up here.

Q Well, you see that she does come up here? A All right, I will.

Q Who was the mid-wife when that child was born? A Julia Bruner.

Q Is she living? A No, sir.

Q When did she die? A She died the first day of August--last August.

Q To what town did Mary Rodgers belong? A I don't know.

Q If she drew money as a Creek Freedman, she must have drew it in one of three towns, Canadian, Arkasas or North Fork? A She belongs to one of the three but I never paid that much attention. I don't know what town she belongs to.

Q Was this Julia Bruner, who waited on Mary at the birth of that child, your mother? A No, sir.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 3rd day of March, 1906.

Notary public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskege, Indian Territory, March 5, 1906.

In the matter of the application for the enrollment of
Mary Rogers, deceased, as a Creek freedman.

ANGELINE WARRIOR, being duly sworn, testified as follows:

- Q What is your name ? A Angeline Warrior
Q Is that your name now? A Yes, sir.
Q What was it before Warrior? A Williams.
Q What is your age? A Thirty eight years.
Q What is your post office address? A Brush Hill.
Q Are you a citizen of any of the Five Tribes? A Citizen of the Chickasaw Nation--freedman.
Q What was the name of your father? A Johnnie Williams.
Q What was the name of your mother? A Charity Williams and she married again; married McGill .
Q Did you know Mary Rogers? A Yes, sir. She was my daughter.
Q What was the name of her father? A Rector Rogers
Q Has she ever been enrolled in any nation? A No, sir.
Q Did you ever try to have her enrolled in the Chickasaw Nation?
A No, sir she was dead when I was enrolled in the Chickasaw Nation.
Q When did you enroll? A Three or four years ago.
Q You don't know much about the date of enrolling and filing in the Creek Nation do you? A No, sir I didn't pay any attention to that.
Q How long has Mary Rogers been dead? A Six years.
Q In what month did she die? A August.
Q Seven years next August? A Yes, sir.
Q Are you sure it won't be eight years? A I am sure it won't be eight years.
Q What year did she die in? A I don't know what year but I can tell what month and it has been six years ago; I am sure of that.
Q And you think it will be seven years next August? A Yes, sir
Q There was she living when she died? A With me in Brush Hill.
Q How long did she live there before she died? A Six months I guess I am not sure of that.
Q Where did she live before that? A Right there in Brush Hill but not with me.
Q Where did she live before she lived in Brush Hill? A She lived there all her life .
Q How old was she when she died? A Sixteen years.
Q Was any effort ever made to have her enrolled in the Creek Nation?
A When they first came in to enroll I think my husband tried to get her on the roll and they said she would have to go with me and we never tried any more; at Wellington I think was where he enrolled.
Q You mean Rector Rogers? A Yes, sir.
Q He never was enrolled? A Creek Nation.
Q What town? A Canadian colored I think.
Q Do you know if he drew any money from the Creek Nation? A Yes, sir he did.
Q When? A I couldn't tell you when but I can tell you how much.
Q How much? A When they drew \$4. and \$29. and \$14.

-2-

Q And you think that was in Canadian town? A I think it was but won't be sure.

Q His child Mary was not enrolled when he was? A No, sir.

Q He is dead isn't he? A Yes, sir.

Q Died before or after Mary? A Before.

Q When did he die? A Fifteen years I guess, I am not sure.

Q Stop and think you are under oath. Did he die as much as ten years ago? A I guess it was ten years..

Q Did he die as much as five years ago? A It was more than five.

Q Are you sure it was ten? A I think it was longer. She was one and a half when he died.

Q Are you sure of that? A Yes, sir I am sure of that. I am sure of her age.

Q And you are sure she was sixteen when she died? A Yes, sir.

Q If what you say is true if Mary Rogers died in August over six years ago, which would make it 1899, and that she was sixteen when she died and if Rector died when she was one and a half years old that would make him die in about 1885, is that correct and he couldn't have drawn the '90 and '95 payment? A I wasn't with him I am not sure he drew the money.

Q What made you say he drew the \$29 and \$14 payment? A I am sure he drew the \$4 / I wasn't thinking when I said that.

Q I will ask you again: do you know whether he drew the \$14 and \$29 payment? A I don't know whether he drew it.

Q If he drew it you think it would be in Canadian colored? A Yes, sir.

Q Was Rector Rogers ever known by any other name? A Not that I know of.

The '90 and '95 pay roll of the Creek Nation examined and the name of neither Rector Rogers or Mary Rogers found thereon, nor any one by the name of Rector. The Dunn roll examined and the name of Rector Rogers not found thereon.

HENRY GRAYSON, being duly sworn, testified as follows:

Q What is your name? A Henry Grayson.

Q What is your age? A I don't know exactly. (Appears to be about 32)

Q What is your post office address? A Brush Hill.

Q Are you a citizen of the Creek Nation? A A freedman of the Creek Nation.

Q Did you know a woman named Mary Rogers? A Yes, sir.

Q Any kin to you? A Not as I know of.

Q When did she die? A She died in August '99.

Q How do you know that? A Why I know it because I was there at the same time.

Q There when she died? A Not when she died but shortly afterwards.

Q How long has she been dead? A It is about six years past now.

Q Seven next August? A Yes, sir.

Q Are you sure of that? A Yes, sir, 99 to August 1906 makes seven years.

Q That is the only way you know is by figuring from '99? A Yes, sir.

Q Did you make any record of it, write it down anywhere? A No, sir.

Q How long had she been dead when you made an affidavit; you remember making an affidavit? A No, sir.

Q Never made any? A No, sir.

Q Isn't this your signature? (showing affidavit) A I guess not.

Q Can you write? A Yes, sir.

Q Look again and see if that isn't your writing? A No, sir I know it aint.

Q Were you at her funeral? A Yes, sir.

Q Where was she buried? A Down at Brush Hill.

Q Do you know anything about her right to enrollment in the Creek Nation? A No, sir.

Q Did you know her father? A Yes, sir.
Q What was his name? A Peter Rogers.
Q Do you know whether he was enrolled in any nation before he died?
A No, sir I don't. He was a citizen of the Creek Nation.
Q What makes you say that, how do you know he was, he never got
any land did he? A He never drew any land because he was dead
before they began filing.
Q Do you know what town he belonged to? A Canadian.
Q Do you know if he drew in the 90 and 96 payment? A I don't know.
Q He was dead before that wasn't he? A I can't recollect; it has
been a good while though.
Q You drew the \$25 payment didn't you? A Yes, sir.
Q Drew it yourself? A No, sir.
Q Were you too young to draw it yourself? A Yes, sir.
Q Some one drew the \$5 payment for you? A The \$14 payment I didn't
draw that.
Q Some one drew it for you? A Yes, sir.
Q Because you were too young? A I don't know whether I was too
young.
Q Did you ever hear that Mary Rogers drew any money? A No, sir
none that I knew of.

I, Anna Garrigues, on oath state that the above and foregoing is a
true and correct transcript of my stenographic notes as taken in
said cause on said date.

Subscribed and sworn to before
me this 6 day of March 1906.

Anna Garrigues
Edward K. Hickey
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Rogers, deceased, as a Creek freedman.

D E C I S I O N.

The record in this case shows that on March 20, 1902, application was made, in affidavit form, for the enrollment of Mary Rogers, deceased, as a Creek freedman. Further proceedings were had on February 12, March 2, and March 5, 1906.

The evidence in this case shows that the said Mary Rogers, deceased, was the daughter of Rector Rogers, an alleged citizen of the Creek Nation and Angeline Williams or Warrior, a non citizen.

The weight of the evidence shows that the said Mary Rogers died in the year 1899 or 1900, subsequent to April 1, 1899, and that she was between 15 and 25 years old at the time of her death.

It does not appear from the evidence or the records in the possession of this office, that the name of Rector Rogers the father of the applicant herein, appears on the roll of Creek freedmen prepared by J. W. Dunn in 1867, or that Rector Rogers, or Mary Rogers, or either of them, have ever been admitted to citizenship in the Creek Nation by the Creek Tribal authorities, the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved June 10, 1896 (29 Stat. L. 321) or the United States Court in Indian Territory, on appeal, or that the names of either of them appear on any of the authenticated tribal rolls of the Creek Nation.

Section 3 of the act of Congress approved April 26, 1906, (34 Stat. 137) provides in part as follows:

"That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

It is, therefore, ordered and adjudged that in view of the provisions of the Act of Congress above quoted, the applicant Mary Rogers is not entitled to be enrolled as a Creek freedman, and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.

FEB 11 1907

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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It is, therefore, ordered and adjudged that in view of the provisions of the Act of Congress above quoted, the applicant Mary Rogers is not entitled to be enrolled as a Creek freedman, and the application for her enrollment as such is accordingly denied.

JH
D. C. 97.

Muskogee, Indian Territory, January 30, 1904.

Henry Jackson,

Brushhill, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your wife, Mary Rogers, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of her death, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

#1021
DA. 22. 27.

Muskogee, Indian Territory, February 24, 1905.

Henry Jackson,

P. O. Box 994,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that you will be allowed ten days from date within which to appear at this office for the purpose of being examined under oath relative to the date of death of Mary Rodgers, deceased.

Respectfully,

Acting Commissioner.

Da. No. 27.

Muskegee, Indian Territory, February 24, 1906.

Henry Grayson,
Brush Hill, Indian Territory.

Dear Sir:

You are hereby advised that you will be allowed ten days from date within which to appear at this office for the purpose of being examined under oath relative to the date of death of Mary Rodgers, deceased.

Respectfully,

Acting Commissioner.

DA.No. 97.

Muskogee, Indian Territory, February 24, 1906.

Angeline Warrior,

Brush Hill, Indian Territory.

Dear Madam:

You are hereby advised that you will be allowed ten days from date within which to appear at this office for the purpose of being examined under oath relative to the date of death of Mary Rodgers, deceased.

Respectfully,

Acting Commissioner.

Cr. En. 1021.

Muskogee, Indian Territory, February 13, 1907.

H. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Rogers, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LX-238.

Or. En. 1021.

Muskogee, Indian Territory, February 13, 1907.

Henry Jackson,

Post Office Box No. 904,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Rodgers, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-234.

Cr.Mn.1031.

Washoe, Indian Territory, February 13, 1904

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted record of the proceedings had in the matter of the application for the enrollment of Mary Rogers, deceased, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-236.

Through the Commissioner
of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

Land
16032-1907.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir :--

There is enclosed the record of proceedings in the matter of the application for the enrollment of Mary Rogers, deceased, as a Creek freedman, including the decision of the Commissioner to the Five Civilized Tribes dated February 11, 1907, adverse to the applicant.

The record shows that on March 20, 1902, application was made in affidavit form for the enrollment of Mary Rogers, deceased, as a Creek freedman.

The evidence shows that Mary Rogers, deceased, was the daughter of Rector Rogers, an alleged citizen of the Creek Nation, and Angeline Williams or Warrior, a non-citizen. The weight of evidence shows that Mary Rogers died in the year 1899 or 1900, subsequent to April 1, 1899, and that she was between 15 and 25 years old at the time of her death.

Commissioner Bixby reports that it does not appear from the records of his office that the name of Rector Rogers, the father of the applicant herein, appears on the roll of the Creek freedmen prepared by J. W. Dunn in 1867, or that Rector or Mary Rogers have ever been admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes under the provisions of the Act of June 10, 1896 (29 Stat. L., 321) or the United States Court in Indian territory on appeal, or that the names of either Rector Rogers or Mary Rogers appear on any of the authenticated rolls of the Creek Nation.

Therefore, by reason of the provisions of the Act of April 26, 1906 (34 Stat. L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicants herein as Creek freedmen.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-Ph.

J.P.
O.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS.

March 4, 1907.

I . T . D.

6134, 6144, 7088, 7084-07.
7128, 7226, 7230, 7236-07.
7238, 7248, 7252, 7260-07.
7336, 7340-07.

DIRECT

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.	Date of your Letter of Transmittal.
Henry Love,	February 16, 1907.
Mark Rogers, deceased (Freedman),	February 12, 1907.
Ellen Primer (Freedman)	February 21, 1907.
Charley Williams, deceased (Freedman)	February 14, 1907.
Clarence Bruner (Freedman),	February 23, 1907.
Maria Sears,	February 22, 1907.
Henry Whitsel, (Freedman),	February 23, 1907.
Ema Mason, et al (Freedmen),	February 2, 1907.
Leanna Johnson, (Freedman)	February 2, 1907.
Anna Charlesoy, deceased,	February 2, 1907.
Rene Bell Drew (Freedman)	February 18, 1907.
Hubert Humphreys (Freedman)	February 16, 1907.
Little Dexter, deceased,	February 22, 1907.
Leonard Davis, (Freedman),	February 21, 1907.

A copy of all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

14 inc. and 25 inc.
for Ind. Of.

E.A. Hitchcock
Secretary.

Cr.No.1021.

Muskogee, Indian Territory, March 14, 1907.

Henry Jackson,

General Delivery,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Mary Rogers, as a Creek Freedman.

Respectfully,

Commissioner.

LM.

CR EN 1022

CR EN 1022

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 10, 1906.

In the matter of the alleged application for the enrollment of Homer Whetsel Jones as a Creek freedman.

MARY JONES, being duly sworn, testified as follows:

- Q What is your name? A Mary Jones.
- Q You appeared here August 2, 1904 and made application for your enrollment as a Creek freedman didn't you? A Yes, sir.
- Q At that time you were asked the following questions: "Have you any children? A One child. Where is it? A He lives with his father. Q Do you see it when you go down there? A It has been a good while. Did you see him the last time you was down there? A I stayed there about three weeks. You stayed where the boy was about three weeks? No sir I stayed with my aunt and the boy stayed with his father. Q Do you swear that you don't go to your husband's house when you go there? A No, sir. I don't go there. Q What did you separate for A I don't know, sometimes one cant get along. Q Have you got a divorce? A No response."
- Q That was all that was said about any children of yours at that time? A Yes, sir.
- Q When you made your application and were examined in the first part of that hearing by the Commission, you didn't say anything about your child did you? A They asked me but didn't ask me its name; asked me if I had a child, I told them one child but they didn't ask me its name or age.
- Q You were asked do you make application for enrollment as a Creek freedman and you said "yes sir" but didn't say anything about the child.
- Q What was the name of the child that you made reference to in the last part of that testimony? A Homer Whetsel Jones.
- Q Are you the mother of that child? A Yes, sir.
- Q How old is it? A Going on twenty years old.
- Q How long did you keep him after his birth? A Until he was 3 or 4 years, until we got into kind of a spat like then he went with his father.
- Q What is the name of his father? A D. Jones, some spell it Dee but I always wrote it D.
- Q Does he claim to be a citizen of any of the five tribes? A No, sir.
- Q Just a state man? A Yes, sir.
- Q Is he living? A Yes, sir.
- Q Was application ever attempted to be made for this boy before August 1904? A No, sir not for him. I tried to make an application but it wasn't right some way. I never came before the Commission until August 1904.
- Q The testimony shows you tried to get your father to do something but he didn't? A Yes, sir.
- Q Any rights this boy has comes through you? A Yes, sir just through me.
- Q Where is Homer living? A Texas.
- Q How long has he been in Texas? A All the time.
- Q Has he never been in the Creek Nation? A No, sir, he has never been here yet.
- Q Is this fellow D. Jones in Texas? A Yes, sir.
- Q How long has he been there? A All his life.
- Q Never been in the Creek Nation? A He was here on a visit in 1900.

The following questions were suggested by Mr. Irwin Donovan who appeared with the applicant but who has not been admitted to practice before this office.

- Q Have you recently been on a visit to Texas? A Yes, sir.
Q Have you seen the father of the boy? A Yes, sir.
Q Have you become reconciled to him? A Yes, sir.
Q How long were you down there? A Near three months.
Q Where is your home now? A Grayson.
Q In the Creek Nation? A Yes, sir.
Q Has your husband said anything about coming to the Creek Nation?
A Yes, sir he told me he would all right, he said he was going to move up here.
Q What is the boy doing in Texas? A Going to school.
Q Is it your intention to have the boy with you in the Creek Nation when he finishes school? A Yes, sir that is my intention.

Applicant states that she is going to have a proper motion introduced to have the Secretary of the Interior reopen her own application for enrollment which has been denied by this office and affirmed by the Secretary of the Interior and she wants this case of her boy held until that has been done.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

Subscribed and sworn to before
me this 12 day of February 1906.

Anna Garrigues

J. M. Dermott
Notary Public.

Cr. No.
1022.

SAK
JWE

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Homer Whetsel Jones as a Creek Freedman.

DECISION.

The record in this case shows that on February 10, 1906, Mary Jones appeared at the office of the Commissioner to the Five Civilized Tribes and made application for the enrollment of her minor child Homer Whetsel Jones as a Creek freedman.

It appears from the evidence and the records in the possession of this office that said applicant is the minor child of Des Jones, a non-citizen, and Mary Jones, who made application for enrollment as a Creek freedman, which application was denied by the Commission to the Five Civilized Tribes November 16, 1904, and said decision was affirmed by the Department April 6, 1905. Said Mary Jones filed her motion for review and said motion was denied by the Department April 6, 1906. On May 28, 1906, said applicant filed her second motion for review and said motion was denied by the Department September 20, 1906.

It is, therefore, ordered and adjudged that the said Homer Whetsel Jones is not entitled to be enrolled as a citizen by blood of the Creek Nation under the provisions of the Act of Congress approved April 24, 1906, (34 Stat. L. 127), and the application for his enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 20 1907

Gr. En. 1022

Muskogee, Indian Territory, February 23, 1907.

Mary Jones,

Grayson, Indian Territory.

Dear Madam :--

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Homer Whetsel Jones, as a Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Registered.

JWH 23-10

Cr. No. 1022

Muskogee, Indian Territory, February 23, 1907.

M. L. Mott,

Attorney for Creek Nation.

Muskogee, Indian Territory.

Dear Sir :--

There is enclosed herewith one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Homer Whetsel Jones as a Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

JWH 23-11

Cr. No. 1022

Mustoge, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir :--

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Homer Whetzel Jones as a Creek freedman, including the decision of the Commissioner, dated February 20, 1907.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

JWH 23-12

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

L AND
18713-1907.

COPY

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith communication from Commissioner Bixby, dated February 23, 1907, enclosing the record of proceedings in the matter of the application for the enrollment of Hester Whatzel Jones, as a Creek freedman, including the decision of the Commissioner of the same date, denying the application.

The record shows that the applicant is the minor child of Dee Jones, a non citizen and Mary Jones, who made application for enrollment as a Creek freedman, which was denied by the Commission November 16, 1904, which decision was affirmed by the Department April 8, 1905. Second motion for review was denied by the Department September 20, 1906.

The applicant therefore possesses no rights to enrollment as a citizen by blood of the Creek Nation under the provisions of the Act of April 26, 1906, (34 Stats.L. 137) and the Commissioner's decision denying the application is recommended for affirmation.

Very Respectfully,

G. F. Larrabee

Acting Commissioner.

NWE-10

J.P.
O.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

SRS.

March 4, 1907.

I . T. D.
6134, 6244, 7022, 7054-07.
7128, 7226, 7230, 7236-07.
7238, 7248, 7252, 7260-07.
7338, 7340- 07.

DIRECT

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed. Copies of
Indian Office letters submitting your reports and recommending
that the decisions be affirmed are inclosed.

Title of Case.	Date of your Letter of Transmittal.
Henry Lowe,	February 16, 1907.
Mary Rogers, deceased (Freedman),	February 15, 1907.
Ellen Primer (Freedman)	February 21, 1907.
Charley Williams, deceased (Freedman)	February 14, 1907.
Clarence Bruner (Freedman),	February 23, 1907.
Marin Sears,	February 23, 1907.
Homer Whetzel, (Freedman),	February 23, 1907.
Emma Mason, et al (Freedman),	February 2, 1907.
Leanna Johnson, (Freedman)	February 8, 1907.
Anna Charlessey, deceased,	February 15, 1907.
Rose Bell Drew (Freedman)	February 22, 1907.
Hubert Humphreys (Freedman)	February 14, 1907.
Little Deeter, deceased,	February 20, 1907.
Leonard Davis, (Freedman),	February 21, 1907.

A copy of all the papers in the above mentioned cases have
been sent to the Indian Office.

14 inc. and 22 inc.
Per Ind. Of.

Respectfully,
E.A. Hitchcock
Secretary.

Cr. En. 1022.

Muskogee, Indian Territory, March 14, 1907.

Mary Jones,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Homer Whetsel Jones, as a Creek Freedman.

Respectfully,

Commissioner.

LM

CR EN 1023

CR EN 1023

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 26, 1906.

In the matter of the alleged application for the enrollment of
G. D. Farrar as a Creek Freedman.

G. D. FARRAR, being duly sworn, testified as follows:

BY THE COMMISSIONER.

- Q What is your name? A G. D. Farrar.
- Q How old are you? A I was born the 25th of December, 1870.
- Q What is your post office address? A Muskogee. I just moved here the other day from Okmulgee.
- Q How long had you lived there? A About two months.
- Q Where did you live before that? A In the Chickasaw Nation.
- Q How long had you lived there? A All my life, nearly--since I was a small boy.
- Q What do you want to do today? A I want to see whether they will allow me to prove I am a citizen.
- Q Do you claim to have ever made application for enrollment as a citizen of the Creek Nation? A Yes, sir.
- Q When did you make that application? A In 1904.--in August.
- Q What time in August? A Some where between the 12th and 16th.
- Q You can't remember the day? A- I can't remember the exact date.
- Q What day of the week was it? A I don't remember.
- Q What do you claim that you did on that day? A I came up here to file my name on record that I was a citizen of the Creek Nation.
- Q Did you come to this office? A I come up here and I couldn't get into this office and I met Mr. Bixby, the man with the gray beard. I stopped him and he said he didn't have time to talk to me and I came back the next day and he told me again that I would have to wait until he had time to get to me.
- Q Is that all he told you? A Yes, sir.
- Q What did you tell him? A Didn't have a chance to tell him anything. I told him I wanted him to take a record of me being up here and who I was.
- Q You didn't do anything further except to have two such talks with Mr. Bixby? A No, sir.
- Q Did you have any witnesses to that conversation? A No, sir. I didn't know that fellow who is with me now was here at that time.
- Q Did you have any witnesses to that conversation? A I had Mr. Mike McIntosh.
- Q Did he hear what you said to Mr. Bixby? A Yes, sir.
- Q Did he hear what Mr. Bixby said to you? A Yes, sir.
- Q Which one of these conversations did he hear? A Both of them.
- Q How do you know he did? A Well, they all laughed at me because he wouldn't talk to me.
- Q Did any one else hear those conversations? A Old man Tobe McIntosh.
- Q Was he present when you spoke to Mr. Bixby on either one of those occasions? A Yes, sir.
- Q Which one? A Both of them.
- Q Were there any other witnesses? A And my brother.
- Q What is his name? A Austin Farrar.
- Q Did he hear the conversation? A Yes, sir.
- Q Which one? A He heard both of them.
- Q Is he hear to-day? A No, sir.
- Q Have you here to-day any witness whom you claim was present when you spoke to Mr. Bixby? A This fellow here.
- Q What is his name? A I don't know.

- Q I asked you just a while ago about every one of the witnesses the know about this and you said that was all and now you say this fellow but you don't know his name. Was he present? A Yes, sir.
- Q Why didn't you mention him awhile ago? A I didn't know his name.
- Q I asked you if you had any other witnesses and you said you did not have. How do you know this fellow out in the hall was present? A We was all talking there together when Mr. Bixby came by.
- Q How do you know he is the same man? A I guess I have judgment enough to know the man.
- Q You don't know his name? A No, sir. I asked him if he was the fellow who was up here in August, 1904, and he said he was.
- Q Did you ask him if he was here in the month of August? A Yes, sir.
- Q What is the name of your father? A John Farrar.
- Q What is his citizenship? A He was a state man.
- Q You don't claim that he was a member of any of the five tribes? A No, sir.
- Q Is he living? A Dead.
- Q What is the name of your mother? A Kizzie Bruner.
- Q Is she living? A Dead.
- Q When did she die? A she has been dead about seven years.
- Q Do you claim that she is a citizen of any of the five tribes? A she was a citizen of the Creek Nation.
- Q Was she ever enrolled as a citizen of the Creek Nation? A Her name is on some of the rolls.
- Q What do you claim through her. Was she a freedman or a citizen by blood? A she was a freedman.
- Q Do you know whether she has received her deeds to land in the Creek Nation? A No, sir.
- Q Can't you tell the date of her death? A About seven years ago.
- Q Was it more or less than seven years? A I think it was not less than that.
- Q How much more? A I don't know.
- Q Where did she die? A In the Chickasaw Nation.
- Q How long had she been there before she died? A Since I was quite a small boy.
- Q Had you been with her until you came to Okmulgee? A yes, sir. Not all the time, I was going back and forth.
- Q Did you say she had been in the Chickasaw Nation from the time you were born? A No, sir, I was a good sized boy when we went down there.
- Q Where did she live when you were born? A In Arkansas Town.
- Q Where is Arkansas Town. Is that the name of a city? A That was the name of a precinct.
- Q Were you with her there? A I was born there.
- Q And lived there until you were four or five years old? A Yes, sir.
- Q Then she took you to the Chickasaw Nation? A My father took me.
- Q Didn't you say she went with you? A yes, sir, she went with you.
- Q Do you know how long she was there in Arkansas town before you were born? A I heard my mother say before she died that she was living up there.
- Q Did she tell you she was born there? A No, sir, she said she was living there.
- Q Do you know whether she was there before the War? A I heard her say she was.
- Q You heard her say she was in the Creek Nation before the War? A Yes, sir.
- Q Did she tell you where she was during the War? A yes, sir, here in the Creek Nation.
- Q Are you sure she told you that? A yes, sir.
- Q From the close of the war up to the time you were born, where was she? A Well, I don't know, sir, only from what I heard her say

she was living here in the Creek Nation.

Q From what you heard her say you don't know whether she was ever out of the Creek Nation? A No, sir.

Q Did she ever say anything about the Dunn Roll? A She used to talk to us about different rolls.

Q From the best of your recollection what roll did she ever tell you she was on? A I couldn't say.

Q Do you claim that your name is on any of the tribal rolls of the Creek Nation? A No, sir, I know it is not.

Q Have you ever been admitted to citizenship in the Creek Nation by any of the proper authorities? A No, sir.

Q Did you apply to the Dawes Commission in 1896, to be admitted to citizenship in the Creek Nation? A No, sir.

Q And never went before the United States Court on appeal from a decision of the Dawes Commission? A No, sir.

Q Did you ever hear your mother state that she was on any of the Creek Tribal Rolls? A Yes, sir, I heard her say she was on one of the rolls.

Q What one? A I never heard her say which one.

Q Did you ever hear from any source that she was on any particular one of the rolls? A No, sir.

Q What did she tell you? A She said she was on a roll.

Q Did she tell you what town she was enrolled with? A Arkansas Town.

Q Did she tell you that she ever drew any money from the Creek Nation? A No, sir.

Q Did she ever tell you that she was on the Dunn Roll? A No, sir.

Q Did she tell you that she drew money in 1890? A No, sir.

Q Did she ever tell you that she drew money in 1895? A No, sir.

Q Did you ever hear her say that she was admitted to citizenship in the Creek Nation by the proper authorities? A No, sir.

Q Never talked to you at all about the Dunn Roll? A No, sir, no particular roll.

Q Have you anything further you want to say now? A No, sir, I haven't.

Q I will ask you again, what was that you claim to have said in the short time you talked to Mr. Bixby? A I asked him to take my name, that I was trying to put my proof in here to citizenship.

Q Is that all you said? A Yes, sir. I might have said something else. I told him I wanted him to take my name that I was a Creek citizen and that I could prove my right in the Creek Nation.

Q Is that all you said? A Yes, sir.

Q What did he say to you? A He told me that he was real busy and didn't have time to talk to me.

Q When was the next time you claim to have talked to him? A The next morning.

Q What did you say to him that time? A I said the same thing to him as I did before.

Q Nothing more? A No, sir.

Q What did he say that time? A Said I would have to wait until they could get to me.

Q Are you sure that was all you told him? A Yes, sir.

Q Have you anything further you want to state? A When we came back in September he told me we was too late.

Q What time in September? A I don't know just what time in September. Austin and John Farrar, my brothers, were with me. We stopped at Wiley Jones' Hotel and I can get the exact day we was here because he made us put our names on the register.

Q Do you wish now to apply for any one else besides yourself? A Yes, sir, for my family and my three sisters and their families and two brothers and their families.

Q You would like to apply for all of them now, would you? A Yes, sir.

- Q What is the name of your oldest child? A The oldest is Earnest.
Q How old is he? A He is about fourteen years old.
Q Is he living? A Yes, sir.
Q Where? A In the Chickasaw Nation.
Q Who is he living with? A He is working for some white people in the country.
Q What is the name of his mother? A Rosie.
Q Is she living? A Dead.
Q How long ago did she die? A I don't know how long she has been dead.
Q About how long? A I guess she has been dead three or four years.
Q Did she have any rights in any of the five tribes? A No, sir.
Q What is the name of the next child? A Jessie.
Q Is she living? A Yes, sir.
Q How old is she? A About thirteen.
Q Where is she living? A Down there.
Q With whom? A With some of her kin people.
Q What is the name of her mother? A Rosie Farrar.
Q Were you married to Rosie? A Yes, sir.
Q What is the name of the next child? A Piney.
Q How old is she? A She is about eleven.
Q Is she living? A Yes, sir.
Q Where? A Down there too.
Q What is the name of the next one? A That is all I got.
Q Did they all have the same mother? A Yes, sir.
Q Are you married now? A Yes, sir.
Q What is the name of your present wife? A Lizzie.
Q Where is she? A She is gone home on a visit.
Q Where? A Texas.
Q Did you ever make application for these children before this time? A No, sir.
Q Never attempted to make any application for them before? A Yes, sir, I attempted to.
Q When did you attempt to? A When I talked to the ~~Colonel~~ Colonel there in the hall.
Q I asked you to state what you said to Mr. Bixby then and you said you told him you wanted to get your rights and never said anything about children to him? A I didn't, but I did intend to tell him about my children.
Q You must have told him something? A I tried to tell him.
Q What did you try to tell him? A I told him I wanted to get my rights. He wouldn't talk to me.
Q What did you say when you stopped him? A I told him I wanted him to take my name.
Q In what words? A I said, 'Bixby, I want you to take my name and my brothers and sisters and their families and my family.'
Q Didn't you say just a minute ago that you said to him, 'I want to talk to you about the rights of myself and my brothers and sisters?' A And families.
Q You didn't say anything about families, but when you were told to say it over you put in your brothers and sisters and their families and your family. Why couldn't you tell the same story. As near as you can remember you tried to tell Mr. Bixby something and couldn't do anything? A I tried to get him to take our names and he wouldn't listen to me.

Q I want you to give as near as possible, what you tried to tell Mr. Bixby? A I stopped him in the hallway and told him I wanted him to take my name and my brothers' names and my intention was to tell him to take our families.

Q You don't remember whether you said that to him or not? A I think I called it over to him and he wouldn't stop.

Q What did you say the next day? A I just said, 'I am back again today, Colonel,' and he said, "you will have to wait until I can get to you."

Q If you had been given an opportunity of talking to him what was your intention? A My intention was to give our names and our families and our sisters.

Q How many sisters have you? A Three.

Q What is the name of your oldest brother? A Austin.

Q Full brother? A Yes, sir.

Q Is he living? A Yes, sir.

Q Where? A In Muskogee.

Q What is the name of his oldest child? A I don't know sir.

Q You don't know what even your intention was in regard to Austin's family? A We were going to put them in together.

Q Were you going to put in the names of his children? A Yes, sir.

Q You didn't even know the names of his children? A I don't know the name of the oldest one.

Q What is the name of your next brother? A John.

Q Do you know the names of all of his children? A No, sir.

Q And still you say you intended to apply for him and his children? A Yes, sir, we all intended to apply here.

Q You all intended to apply here together. Was he going to apply or were you? A I was going to give in the names.

Q You didn't know the names? A He didn't have any children---yes, he had one boy.

Q You didn't know all the children of either of these brothers, then? A Not all the names.

Q You just simply thought if you were given an opportunity you would apply for yourself and your children and your brothers and sisters and their children? A Yes, sir. I knew their children but don't know their names.

Q Do you know the names of their children now? A I know Austins but don't know which is the oldest. I don't know John's and I think there is one of Austins I don't know the name of.

Q How many children did Austin have you wanted to apply for? A Four.

Q Can you name them? A All but one. One was Jim and one Mattie.

Q How old are they? A I don't know.

Q What is the name of the next one? A Lottie.

Q How old is she? A I don't know, sir, how old she is.

Q And the next one you don't know the name of? A No, sir.

Q Is it a boy or girl? A Girl.

Q Are these four children living? A Yes, sir. I was at the house

Q ~~the day or two ago,~~

Q You didn't ask their names? A They was off to school.

Q How do you know they were living? A They said they were.

Q Do you know the names of John's children? A No, sir.

Q Have you any other person you wish to apply for? A No, sir, not living.

Q You don't want to apply for any who are dead do you? A I might if he had told me to.

Q You did not think of applying for them? A No, sir.

Q What is the name of your oldest sister? A Harriet Shelton.

Q How many children has she? A I don't know.

Q Do you know their names? A No, sir.

Q Did you know them that day you came in here? A My brother had all of them.

Q Is that sister living? A Yes, sir.

Q You don't know whether her children are living or not? A No, sir.

Q What is the name of your next sister? A Cora Atchison.

Q Is she living? A Yes, sir.

Q Do you know how many children she has and their names? A Yes, sir.

Q Name the oldest one? A Bikey.

Q Next? A John.

Q How old is Bikey? A I don't know.

Q How old is John? A I can't tell their ages.

Q What is the name of the next one? A Sadie.

Q Next? A That is all.

Q What is the name of the next sister? A Chlera Johnson.

Q Do you know how many children she has? A I don't know but three of her children.

Q What are their names? A The oldest is named Dessie. She has got two boys Morten and Lennard. I don't know which is the oldest.

Q You didn't say a word about any children to Mr. Bixby did you? A No, sir, I said we all wanted to get our families on.

Q What did you mean when you said yours? A I meant my brothers and my sisters and my family.

Q I asked you what you said on that day and you said you tried to get him to take your name? A I didn't know what you meant.

Q You told me every time that you tried to get him to notice you enough to take your name. You didn't say a word about your brothers and sisters and your families? A I didn't know that was what you meant.

Q How long did either of those conversations last which you had with Mr. Bixby in August? A I don't know.

Q Very short were they not? A He didn't stop.

Q Do you mean to say that you told him all about yourself and your brothers and sisters and their families at that time? A I walked up the hall behind him. I know they was all laughing at me for stopping him.

Q Have these brothers and sisters you mention the same parents that you have? A The same mother and father.

Q Do they live near you? A Cora Atchison lives near me.

Q How old is your oldest brother? A I don't know.

Q How old is the other one? A I don't know.

Q Do you know the ages of your sisters? A No, sir.

ROBERT BAKER, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Robert Baker.

Q How old are you? A Thirty.

Q What is your post office address? A Muskogee.

Q How long have you lived in and around Muskogee? A I was born and raised in this country.

Q Do you know that man sitting there (indicating claimant)? A No, sir, all I know him is by the name of Pat Man.

Q What do you know about this matter of an alleged application of this man? A I was up here that day to see Charlie McIntosh about painting his house, year before last, 1904, in August. What day of the month I don't know. I never saw Mr. McIntosh and so I just turned around and saw this man right close and seem like he just took hold of a man with the gray beard and say something to him and he said "I haven't got time to attend to that," and that is about the best part of it. I saw the man with the gray beard going one way and this other man was going out the other way.

- Q How long a talk did he have with Mr. Bixby? A Just about the length of time you have been asking me that question.
- Q Did Mr. Bixby stop to talk to him? A He just said, "I haven't got time to attend to that."
- Q We didn't stop? A No, sir, he just told him he didn't have time and just went right on.
- Q Did you hear the conversation? A No, sir, just heard the man with the gray beard saw, "I haven't got time to attend to no business now"
- Q Do you know this man here (indicating claimant)? A I don't know his name. I knew him but I don't know his name.
- Q Do you know him? A I know him when I see him.
- Q Did you ever hear his name? A No, sir.
- Q Where did you first see this man to know him? A At Okmulgee.
- Q How long ago? A Been about six years ago, I suppose.
- Q Where did you next see him? A I saw him every once in a while.
- Q Never did ask his name? A No, sir, I just called him Big Pat Black Boy.
- Q That day you came up here to look for the man McIntosh--you claim that was in August, 1904? A Yes, sir.
- Q Have you anything that helps you remember that month and year? A Yes, sir.
- Q What is it? A Well, no more than I was looking for Charlie McIntosh to see about painting his house and didn't get it painted till last year.
- Q Did you ever hear anything more about the conversation between the man with the gray whiskers and this man here? A No, sir, I never heard no more. The last time I seen the man he was going that way and said he didn't have no time to attend to the business.
- Q You came up here when you heard that conversation? A Yes, sir.
- Q Did you come up here the next day too? A Yes, sir, I was up to see Mr. McIntosh again.
- Q Did you see this man (indicating claimant) here that day? A No, sir.
- Q Did you see the man with the whiskers the next day? A No, sir.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 28th day of February 1906

J. M. Dermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 27, 1906.

In the matter of an alleged application for the enrollment of
G. D. Farrar et al., as Creek Freedmen.

APPEARANCES: For Creek Nation, M. L. Mott.

AUSTIN FARRAR, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Austin Farrar.
Q How old are you? A Forty-one.
Q What is your post office address? A Muskogee.
Q Do you know G. D. Farrar, the principal applicant in this case?
A Yes, sir.
Q Is he any kin to you? A My brother.
Q Why do you appear here to-day? A I come to see whether I could
get through or not and also get my children on.
Q Don't you understnad that the time for making application expired
a year ago last fall? A I was up here in 1904, in August.
Q Do you claim to have tried to make an application at that time?
A Yes, sir, my brother did. He can read and write and I can't and
we put him in front.
Q All that was done was done by him? A Yes, sir.
Q You didn't say a word yourself? A No, sir.
Q He is the only one who did any talking? A Yes, sir.
Q Do you know what day in August it was? A Near as I remember it
was on between the 12th and 16th.
Q Is there anything helps you remember it was between the 12th and
16th of August? A We had a picnic on the 4th of August and we come
up here two or three days after that.
Q Two or three days after the 4th is not the 12th? A Well we was
up here then. That is near as I can get at it.
Q Did any one tell you to come up here and state it was between the
12th and 16th? A No, sir.
Q Did you talk to any one about this application? A Only my
brother.
Q Did he tell you what date it was? A No, sir, I don't know
whether he knew or not.
Q Did you ever talk to any one about the date of this alleged
application? A No, sir.
Q Still you come up here and say just what your brother did. How
does that happen? A The reason I get mine is the date of the picnic.
Q I just told you that three days from the 4th of August was not
the 12th? A Well, I am trying to explain it to you.
Q You state then that the only way you remember it was between the
12th and 16th of August was that you went to the 4th of August picnic
and three or four days after that you done what? A We come up here.
Q In this office? A Yes, sir.
Q Well, as a fact wasn't it on about the 7th of August? A It might
have been so.
Q Why did you say it was between the 12th and 16th? A Well, that
was as high as I could get at it.
Q Didn't some one tell you to say it was between the 12th and 16th?
A No, sir.
Q Who was here at that time? A A whole gang was out there in the
hall.
Q Who was with you? A This old man here. (pointing to an old
negro).

- Q What is his name? A Tobe McIntosh.
- Q Any one else? A This other fellow, I don't know his name.
- Q Was this man here, Mr. M. L. Mott, with you that day? A No, sir.
- Q Any one else present? A There was a whole lot of people out in the hall.
- Q Was any one else with you? A No one but my brother and my other brother and Tobe and this other fellow.
- Q Did this other fellow come up here with you? A Yes, sir.
- Q Had he been with you before you come up here? A Yes, sir, about an hour.
- Q Was there any one else with you besides your two brothers and Tobe and the other fellow? A There was four or five of us together, I know old man Tobe.
- Q Outside of McIntosh and your two brothers and yourself, who was in the party? A Two other men--I can't tell their names.
- Q One was a fellow who had been with you before you come up? A Yes, sir.
- Q Who was that? A That was the fellow who you had up here yesterday.
- Q There was no one in the crowd who had not been with you a little before you come up and come up with you? A I don't think there was.
- Q Would you know the name of the other fellow if you heard it? A I don't know.
- Q What was the business those other men were on? A I don't know.
- Q Did those other fellows leave here with you? A No, sir, me and my brother went down stairs and I told him I wanted to go home--been up here three or four days and spent all of my money.
- Q Were you having a good time up here that day? A No, wasn't having such a good time.
- Q Were you laughing and talking out in the hall? A Yes, sir.
- Q What about? A I don't know now.
- Q What did you see and hear that day? A I heard my brother say he wanted to get into the room and see Mr. Bixby, and after a while Mr. Bixby came out and old man McIntosh pointed him out and my brother went to him and Mr. Bixby says "I can't see you now. I am busy now, I will see you later," and passed on and left my brother.
- Q Anything else? A We stood around there a little then left.
- Q Did you hear what your brother said to Mr. Bixby? A He told him he wanted to put in his application.
- Q Do you remember he said those words? A Yes, sir, he said, "I want to get in there and put in my application."
- Q Did he say anything more about that? A I didn't understand all he did say, there was so many people out there.
- Q You didn't hear very much about what your brother said to Mr. Bixby? A Only those few words.
- Q Did your brother talk to Mr. Bixby after Mr. Bixby answered him? A No, sir, I don't think he did.
- Q If you heard the first part of what your brother said to him and you heard Mr. Bixby's answer to it, how did it happen you did not hear the last part of what your brother said? A There was so many people out there in the hall you couldn't hear all that was said.
- Q Wasn't there lots of people out there in the hall when Mr. Bixby was talking? A Yes, sir.
- Q And you didn't hear what your brother said? A No, sir.
- Q Do you know what day that was? A Near as I can remember it was between the 12 and 16th.
- Q How close was it to that picnic? A Well, it was three or four days after that. We stayed on at a little town waiting for a train and then come up here and stayed two or three days.
- Q Where was that? A Near Okmulgee.
- Q How long after the picnic before you left Okmulgee? A About four days.
- Q How long after that before you come up here? A About a day and a half.

- Q So it was four days after the 4th of August before you left Okmulgee and then you stayed around here a day and a half before coming up here and still you remember it was between the 12th and 16th, and you remember it was between the 12th and 16th because it was about three or four days after the fourth of August picnic? A Yes, sir.
- Q Did you and your brothers ever come up here again after that? A Yes, sir.
- Q When? A About a week or two after that.
- Q Are you sure of that? A About a couple of weeks after that.
- Q Didn't come up before a week? A About two weeks.
- Q Didn't come up the next day? A No, sir, didn't come up here.
- Q What month was it you come up the second time? A It was about the last of August.
- Q That second time you come up here, who was in the party then? A There was no one but me and my brother.
- Q Which brother? A Both of them.
- Q That was all? A Yes, sir.
- Q Where was that you come? A Up here in the hall.
- Q What happened that day? A My brother didn't get to see him that day.
- Q Didn't see him at all? A No, sir. Said he didn't.
- Q Do you know whether he got to see him? A I don't know.
- Q Do you know he got to see him the first day? A Yes, sir.
- Q How do you know it was Mr. Bixby? A The old man McIntosh pointed him out.
- Q The second time he didn't see Mr. Bixby? A I don't know that he did.
- Q You didn't do anything at all the second time? A No, sir. I got tired fooling with it.
- Q All you know about what was done the first time was that your brother said something to a man who was pointed out as Mr. Bixby and that man said he didn't have time to talk to him? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q How many children have you? A Four.
- Q What is the name of the oldest? A Jimmie.
- Q Is he living? A Yes, sir.
- Q How old is he? A About nineteen years old now.
- Q Is he more than nineteen? A Yes, sir.
- Q Is he twenty? A No.
- Q What is the name of the next one? A Mattie.
- Q Is she living? A Yes, sir.
- Q What is her age? A Eighteen.
- Q What is the next one? A Charlotte.
- Q Is she living? A Yes, sir.
- Q How old is she? A Fourteen.
- Q The next? A Beulah.
- Q Is she living? A Yes, sir.
- Q How old is Beulah? A Thirteen.
- Q Is that all? A Yes, sir.
- Q Yourself and these four children, are they the only ones you would have applied for if you had succeeded in getting in then? A Yes, sir.
- Q What is the name of the mother of these children? A Charity Farrar.
- Q Is she living? A Yes, sir.
- Q Does she claim rights in any of the five tribes? A No, sir.
- Q If these children have any rights they can get it only through you? A Yes, sir.
- Q What is the name of your father? A John Farrar.
- Q Is he living? A Dead.
- Q Do you claim that he was entitled to any rights in any of the five tribes? A No, sir.
- Q What is the name of your mother? A Kissie Bumer.

- Q Is she living? A No, sir, she is dead.
- Q How long has she been dead? A About six or seven years.
- Q Can't you come any closer than that? A No.
- Q Where did she die? A Down below Ardmore.
- Q In the Chickasaw Nation? A Yes, sir.
- Q How long had she been living there before she died? A She had been living there for years.
- Q Can't you come closer than that? A To my knowing at least ten years.
- Q Had she been living there twenty years? A No, not quite twenty years.
- Q About ten or 12 or more years before she was down in the Chickasaw Nation where did she live then? A Up in Arkansas Town.
- Q Where is that? A They called it Arkansas Town, up on the Arkansas River.
- Q Near what town was it? A Near a place they called Arkansas Town.
- Q Do you know there is a place called that? A Yes, sir.
- Q How do you know there is? A I been up there.
- Q Called that now? A I ain't been up there in four or five years.
- Q Is it in the Creek Nation? A Yes, sir.
- Q How long had she lived in the Creek Nation? A All her life.
- Q Was she born in the Creek Nation? A I suppose she was.
- Q That is not a good answer? A I am satisfied she was born here.
- Q How do you know? A Only by what she said.
- Q Did you hear her say she was born here? A No, sir, she said this was her home.
- Q Where are you living now? A Muskogee.
- Q How long have you lived here? A Going on two years.
- Q Where did you come from? A The Chickasaw Nation.
- Q How long did you live down there? A Fifteen or twenty years.
- Q Where did you live before you lived in the Chickasaw Nation? A Up on the Arkansas River. I have been all around through the Territory--different places.
- Q Have you ever drawn any money from the Creek Nation? A No, sir.
- Q Was there ever any drawn for you in the Creek Nation? A No, sir.
- Q Were you born before or after the War? A Just a little before.
- Q Where were you during the War? A Up on the Arkansas river.
- Q In the Creek Nation? A Yes, sir.
- Q How long after the War before you left here? A About five or six years.
- Q Did you ever hear of the Dunn Payment? A No, sir.
- Q You didn't draw that money yourself? A No, sir.
- Q No one drew it for you? A I don't know.
- Q You don't know whether you were here when it was made or not? A No, sir.
- Q Have you ever been admitted to citizenship in the Creek Nation by any of the proper authorities? A No, sir.
- Q Did you apply to the Dawes Commission in 1896? A No, sir.
- Q Do you know whether your mother was ever admitted to citizenship in the Creek Nation? A Never heard her say.
- Q You don't know whether she ever drew any money? A No, sir.
- Q Do you know whether she was on the Dunn Roll? A No, sir. Never heard her say.

By Mr. Hett:

- Q When you come to town, where did you meet old Rebe McIntosh? A My brother had been staying with him a while and I met him on the street.
- Q Did you get him to come up here with you? A He come to show us where to go.
- Q Did he tell you he knew where to go? A Yes, sir.
- Q Did he say he knew where to take you? A Yes, sir.
- Q Did you tell him that you wanted to apply for citizenship? A My brother told him he wanted to find out whether his mother was on the roll and apply.

Q Did you hear him tell him that? A Yes, sir.
 Q Did you tell Tobe too? A Yes, sir.
 Q No mistake about that? A No, sir.
 Q There can't be any question about Tobe knowing what you wanted?
 A No.
 Q That is what he came with you for? A Yes, sir.
 Q To show you where to go? A Yes, sir.
 Q And you were following him when you came up? A Yes, sir.
 Q He come along to show you where to go? A Yes, sir.
 Q And who to see? A Yes, sir.
 Q Don't you know that old Tobe has been in the Creek Enrolling Division ten thousand times in the last five years? A I don't know.
 Q Don't you know that if there was a man who knew where to go to make application for enrollment old Tobe was the man? A My brother asked him to show us.
 Q Did he tell you he had been there many times? A No, he didn't tell him anything about that.
 Q Did Tobe tell you that Mr. Bixby was the man who would examine you? A He told us that was the man to see.
 Q Didn't tell you Mr. Beavers was the man? A No, sir.
 Q Brought you up here in the hall and told you Mr. Bixby was the man to see? A Yes, sir.
 Q You are certain of that? A Yes, sir.
 Q You are certain that Tobe told you he knew where to go? A Yes, sir.
 Q And that he would take you to the right place? A Yes, sir.
 Q And you are as certain of that as anything you have said? A Yes, sir.
 Q And you say that he brought you up here and stopped out there in the hall and said Mr. Bixby was the man to see? A Mr. Bixby come out there and he said that was the man.
 Q Didn't you say you came in the hall and waited a while? A Yes, sir, there was a crowd out there and we couldn't get in.
 Q Didn't you wait for Mr. Bixby when he said he didn't have time to talk to you? A We was waiting to get into the office. There was a crowd out there.
 Q It was Mr. Bixby you were waiting to see and not Mr. Beavers? A No, sir.
 Q It was the office up here that Mr. Bixby was in and not the one down over there? A Yes, sir.
 Q Did you ever hear any one say anything about going any where else except to Mr. Bixby? A No, sir.
 Q Where were you living when you came up here to make application?
 A Away down below Okmulgee, in the Cherokee Nation.
 Q In the Cherokee Nation? A Yes, sir.
 Q When you came up here and failed to get a hearing, did you go back there? A Yes, sir.
 Q Why did you go back? A Went back home.
 Q What for? A I was living down there.
 Q Did you go there to stay? A Just went home.
 Q If you had made application would you have stayed down there?
 A No, sir. If I had got in I would have moved up here or one the farm.
 Q How long did you say there after you came up here that time? A About two years longer.
 Q How long has it been since you left there? A A couple of years ago.
 Q Two years ago? A I am a little mistaken there. I went back and we come back again in about a couple of weeks and then I went back home and stayed until the next fall and then I moved up here.
 Q How long have you been here? A Going on two years.
 Q How long did you live down there after you made that application?
 A About five or six months. I was mistaken, I said it was about a year.

Q When you came up here when did you decide to move to the Creek Nation? A Along in May.

Q How long before you moved? A Right away.

Q As soon as you decided to move you moved? A Yes, sir. These questions you ask me I can't answer. I can't read and write.

Q You don't have to know how to read and write to answer my questions. When did you first decide to leave there? A I left about a week or two after I took a notion to come.

Q Why did you come? A I wanted to get up here in this country.

Q Thought you could do better here? A Yes, sir. Quit farming and went to work in the round-house here.

Q Well, up until about a week or two before you did move you had never thought about coming here to live? A No, sir.

Q Did you ever talk to Tobe any about this? A No, sir, only here today.

Q What did you say to him about it to-day? A I told him I wanted him to come up and be a witness that I was up here in August with my brother.

BY THE COMMISSIONER:

Q What is the name of your mother? A Kissie Buner.

TOBE MCINTOSH, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Tobe McIntosh.

Q How old are you? A About seventy.

Q What is your post office address? A Muskogee.

Q Do you know the applicant in this case? A I know the one who went out of here.

Q The big fat one? A Yes, sir.

Q What is his name? A I knowed him from boyhood but I don't remember his name. My'membrance is not very good.

Q Can't tell what his name is? A I couldn't tell you right now.

Q How long have you known him? A I knowed him from boyhood.

Q Do you know the names of any of his brothers? A I don't remember his brothers. I remember his mother. His mother was named Kissie.

Q Do you know anything about this applicant here having made application or attempting to make application for enrollment as a citizen of the Creek Nation? A I remember the time he went to Mr. Bixby and he told him he was busy and couldn't see him. I remember that. I pointed out Mr. Bixby to him. He didn't know him and I pointed him out to him and he met him in the hall and said, "Mr. Bixby, I want to see you," and he said he had not time. That is all I know.

Q That is all you know, that he met him in the hall and told him he wanted to see him and Mr. Bixby said he didn't have time? A Yes, sir.

Q Did that happen more than once? A No, sir.

Q When was that? A If I aint mistake that was last August a year ago.

Q What makes you remember it if your memory is not very good? A I had a death.

Q How does the death help you remember when this man was talking to Mr. Bixby? A I was here and the next August I had a death.

Q Who was it that died? A That was one of my boys.

Q Was that boy a citizen of the Creek Nation? A Yes, sir.

Q What was his name? A Adias McIntosh.

Q Was he married in the Creek Nation? A I think he was.

Q That is all you know about it? A Yes, sir.

Q Did you bring that man up here? A No, sir, I didn't. He went down to the office and called me up here.

Q You didn't come up here with him? A No, sir, I did not.

Q Tobe have you been in jail in the last five years? A Yes, sir.

Q What for? A For a pint of whiskey.

By Mr. Mott:

Q When was the first time you saw these parties about this matter?
A To-day.

Q I mean when they came up here. When was the first time they said anything to you about coming up here? A I can't remember but it was in August.

Q You said they came down to the office to get you to come up here?
A yes, sir.

Q What was the first time? A Yes, sir.

Q And they ever said anything about it to you before that? A No, sir.

Q Did they tell you they wanted you to come and show them where to go to be enrolled? A No, sir, that was the first time.

Q Never had any talk with them about that before? A No, sir.

Q What did they say to you when they come after you? A They said they wanted to know who Mr. Bixby was.

Q They didn't tell you they wanted to make application to be enrolled? A Yes, sir.

Q Did they tell you that? A yes, sir.

Q Did they tell you that they wanted you to take them to the place?
A yes, sir.

Q When you made application to be enrolled where did you go? A I didn't make application.

Q Where do people go to? A Come up here.

Q Where did they go to in August, 1904? A When I come I went to the court house.

Q How many times have you been a witness up here? A I don't know.

Q How many hundred times? A I couldn't tell you.

Q When you came up here as a witness where did you go? A Back here. (pointing to the back of the office, away from Mr. Bixby's office.)

Q When you went to testify for people who were making application as Creek citizens where did you go? A Sometimes it was before the Commissioner and sometimes not.

Q Now you understand me and I know it. Every time you come before the Dawes Commission to testify for an applicant for enrollment as a Creek Citizen, where did you go? A I went in there. (pointing to the back part of the building.)

Q Who had charge in there? A I don't know.

Q Was it Mr. Beavers? A I don't know.

Q Did you ever go before Mr. Bixby in there? A yes, sir.

Q Don't you know that Mr. Bixby never examined any witnesses in there? A Well, I don't know that.

Q Do you swear that you don't remember Mr. Beavers as many times as you appeared before him? A No, sir, I don't know him.

Q The records will show that you have been before him 250 times, and you now swear you didn't even recollect Mr. Beavers? A Yes, sir.

Q And you say you remember this man and you never saw him but once and that was a year and a half ago? A I don't remember anything about this application. They just told me to come up and show them Mr. Bigley.

Q Who is Mr. Bigley? A He is the Commissioner.

Q I don't know any such man? A He has been running this for the last two or three years.

Q That is not the Commissioner's name? A I might not call his name just right but is like that name.

Q Some of these men swore a while ago that they were here and saw you and that you told them you knew all about the Dawes Commission; all about where to go to be enrolled; all about where to make application to be enrolled and that you would go and take them to the right place. Is that so or not? A No, sir. I don't swear no lies.

Q Do you know Mr. Hains, there? A I have seen him but I don't know his name. I think this is the second time I was here.

Q Wasn't he always in the office ~~where~~ back there? A I don't know. My memory is not very good.

Q Haven't you been back there in that office in the back part of the hall to testify in a great many cases? A Yes, sir, many times, as a witness. They would ask me as a witness, "do you know these people," and I say "yes, sir," that is all.

Q When these people came to you and asked you to bring them to the right place where did you take them? A I took them right up here.

Q If they had come to you and wanted you to take them to the right

place to make application, where would you have taken them? A I would have taken them right back there opposite the land office.

Q You would not have taken them to Mr. Bixby? A No, I would have taken them back there by the land office, but if the question was asked me to show them Mr. Bixby, I would do it.

Q Did you hear either one of them say about what time it was when they were here to see Mr. Bixby? A No, sir.

Q The only way you remember it was last August a year ago was that you had a death in your family last August? A Yes, sir, and coming up here.

Q Which happened first? A I lost my child in August and the following August we came up here, in August, 95.

Q And you lost your child in 94? A Yes, sir.

Q That is right? A Far as I know.

Q You are as clear on that as anything you have said are you? A I suppose I am.

BY THE COMMISSIONER:

Q When did your boy, Adias, die? A In August.

Q When? A I can't tell you the day.

Q What year? Was it last August or the year before, or the year before that, or when? A In August.

Q What year? A I don't know.

Q Was it a year ago last August, or two years ago last August or what? A A year ago last August.

Q Was it a year ago last August or not? A I think it was.

Q Did they come up here before or after your boy died? A Yes, sir, my boy was dead then.

Q It was the year after was it? A I think it was.

Q Was it in August? A Yes, sir.

Q Was it in August after your boy died? A I think it was.

Q It was in August last year you came up here and pointed out Mr. Bixby? A Yes, sir.

Q You are sure about that are you? A Yes, sir, I believe I am right.

Q And that is the way you remember it was in August, because you remember it was the year after your boy died and your boy died a year ago last August? A Yes, sir.

G. D. FARRAR, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A G. D. Farrar.

Q How old are you? A I was born in seventy.

Q What is your post office address? A Muskogee.

Q You are the man who testified yesterday in the matter of your alleged application, are you? A Yes, sir.

By Mr. Mett:

Q When did you come to Muskogee to make that application? A In August, 1904.

Q Where did you come from? A From the Chickasaw Nation.

Q About how long had you lived in the Chickasaw Nation? A I could not say.

Q Five years? A I couldn't exactly say.

Q Ten years? A I couldn't exactly say.

Q Fifteen years? A I can't say.

Q Twenty years? A I can't say.

Q Thirty years? A I can't say.

Q Forty years? A I couldn't say.

Q Fifty years? A I couldn't say.

Q Sixty years? A I couldn't exactly say.

Q Seventy years? A I can't say.

Q Seventy-five years? A I can't say.

Q you believe that? A I couldn't be positive.

Q I can swear you are not seventy-five years old. You have sworn that you couldn't swear whether you had lived in the Chickasaw Nation five years, ten years, fifteen years, twenty years, or seventy-five years? A I couldn't just exactly say.

Q Do you want to leave that just as you stated it, without any explanation? A I couldn't exactly say how long I had been there.

Q Do you want to leave your answer just as you made it? A I don't want it down that I am seventy-five years old.

Q Do you want to leave it that way? A I don't know how long I did live there.

Q How long have you been living here? A I have been here now five or six days.

Q When did you come here to make application? A 1904, in August.

Q Where were you living then? A In the Chickasaw Nation.

Q Did you go back there? A Yes, sir.

Q How long did you stay there? A I couldn't say the number of days.

Q Can't you say the number of months or years? A It wasn't a year.

Q When did you make up your mind to move here? A Just come up here to stay. Haven't made up my mind.

Q You haven't made up your mind? A No.

Q Not decided whether to stay or not? A No, sir, I don't know.

Q Do you know whether you are living or dead? A I might be.

Q Are you as certain about that as anything you have sworn? A Well, a man ought to know whether he is living or dead.

Q Do you know whether you are going to stay here or not? A No, sir.

Q Have you decided to stay here? A No, sir.

Q How long will this be your home? A I couldn't say.

Q You may leave tomorrow? A I don't know.

Q You are not decided about it? A No, sir.

Q Have you decided to stay in the Indian Territory? A I don't know.

Q If you are not decided about staying in the Indian Territory and making the Creek Nation your home and they won't give you an allotment unless you do, and you have to make up your mind before they will give you an allotment, why do you make application here for allotment? A You didn't ask me whether I was going to stay in Indian Territory, you asked me about Muskogee.

Q Now if you have not made this your home in good faith, why is it you make application? A I don't have to make Muskogee my home in good faith. I have lived in the territory all my life.

Q Before you can get an allotment in the Creek Nation don't you have to swear that you have in good faith made your home in the Creek Nation? A I don't know. If I can get a right here I may make up my mind to stay.

Q Have you made up your mind? A I couldn't say.

Q When you came here did you go to McIntosh and ask him to bring you up here and show you where the Dawes Commission was? A No, sir.

Q Was your brother with you? A Yes, sir.

Q You heard your brother's statement that McIntosh stated to you that he knew where to take you to make application to be enrolled and that he would take you there and that you came up here with him

and he was to show you where to go, and you followed him and that he told you the place to go was up here to Mr. Bixby? A I didn't tell him that. I asked him to show me Mr. Bixby and he showed me.

Q McIntosh didn't tell you he knew where to go? A No, sir. I asked for Mr. Bixby.

Q You heard your brother swear that didn't you? A I did.

Q Was that so or not? A He was mistaken in the name.

Q What name ought he have said? A He intended to mention Mike McIntosh.

Q Where is he? A In the country.

Q Was he here? A He come up here with us.

Q He told the man told you that was the man who showed you Mr. Bixby? A He showed us Mr. Bixby when we got to talking to Mike.

Q Your brother said that the man who showed you Mr. Bixby was the same man who came up here with you? A The man who came up here with us was Mike McIntosh. Mike didn't tell us he knew where to go until we had done seen Mr. Bixby, and I said "there was no use to go any further for this man says that man is the head of this business."

Q Was that the first time you came up here? A Yes, sir.

Q And after you saw Mr. Bixby you saw a man who told you that you had been to the wrong place? A Mike says, "come on, I will show you the place", I told him that I had seen Bixby and he was the head of the business.

Q Mike didn't point him out to you? A No, Tobe did.

Q Didn't your brother say that the man who came up with you was the man who pointed out Bixby? A He was mistaken.

Q Mike told you, after you saw Mr. Bixby, that he would take you to the right place? A Yes, sir.

Q What did you do the next day? A I met Bixby going down stairs and I said, "I am back again," and he says, "you are just too late, and I followed him on to the First National Bank and after he went into the bank I didn't get to talk to him.

Q The first time you saw Mr. Bixby didn't you tell him you wanted to make application for citizenship? A Yes, sir.

Q And he said he didn't have time to talk to you? A Yes, sir.

Q You swear that? A Yes, sir.

Q When you saw Mr. Bixby the second time did you tell him you wanted to make application? A I said, "I am back again Mr. Bixby to attend to that application business" and he said, "you are too late."

Q Was the office closed when he said it was too late? A I couldn't say.

Q Was it after five o'clock in the evening? A I couldn't tell you.

Q Was it between 8.30 A. M. and 5 P.M.? A I couldn't tell you.

Q You told him you wanted to make application and he said he could not hear you? A Yes, sir.

Q Did Mike McIntosh tell you that Mr. Bixby didn't take applications for enrollment? A No, sir.

Q When he told you that he would take you to the right place why didn't you go? A Why, the man said he couldn't talk to me.

Q Well, he told you you went to the wrong place? A He said you went to the wrong man. I said, "I seen Mr. Bixby." He says, "you seen the wrong man," and I said, "He told me he couldn't talk to me."

Q Well when he told you that you seen the wrong man didn't you want to see the right man? Why didn't you ask him who the right man was?

A It looks reasonable to me that if a man was pointed out to me and I had been told that was the right man and that his name was Mr.

Bixby, it would be the right man.

Q Do you think Mr. Bixby does all the work in the Dawes Commission?

A I don't know.

Q Don't you know that he has a great many employees up here? A I don't know it.

Q Here you are, a sensible man; you read and write; are well dressed, you make a good appearance and it is common information to any five year-old child that the Dawes Commission contains several hundred employees and still you tell this court that you don't know there is any one else here besides Mr. Bixby? A I was told that he was the head man.

Q But you were told that he was the wrong man to see? A Yes, sir, but I was told that he was Mr. Bixby, the head of this.

Q Who told you? A I don't know just who it was.

Q Why did you have more confidence in some one you didn't know than you did in Mike McIntosh? A I don't know that I did.

Q You don't know who told you that Mr. Bixby was the head man? A No, sir.

Q You know that Mike told you you had seen the wrong man? A Yes, sir.

Q And you had more confidence in the man who told you that Mr. Bixby was the right man than you did in what Mike told you. Suppose Mike had told you Mr. Bixby was not connected with the Dawes Commission, what would you have done? A I had heard people down town say that Mr. Bixby was the man.

Q Suppose McIntosh had told you he didn't have anything to do with the Dawes Commission? A Well then I might have had another idea.

Q What came over you and made you come to the conclusion that it was necessary to see some one else. What induced you to come and see some one else? A Well, I didn't get satisfaction and thought I would get a lawyer.

Q When did you go to the lawyer? A Two or three days ago.

Q Had you taken any steps in this matter from August, 1904, until two or three days ago? A I had some lawyer here by the name of Hale and paid him. He said he would investigate the matter and let me know. I paid him ten dollars and I waited a long while after and I don't even get a letter from him.

Q When was that? A That was in November.

Q Last November? A A year ago.

Q Last November a year ago? A Yes, sir.

Q How long have you been living in Okmulgee? A About three months.

Q How long have you been living in Muskogee? A Since Tuesday.

Q From a year ago you have not paid any attention to it? A I gave it to Mr. Hale.

Q When did you find out for the first time that Mr. Bixby was ~~the~~ not the right man to go to? A That was in 1904, in August.

Q When was it? A When I learned that Mr. Bixby was not the right man? I learned it by talking to my lawyer.

Q When? A A few days ago.

Q Did you tell Mr. Hale that you had made an effort to be enrolled?

A I told him that.

Q Did you tell him just what took place between you and Mr. Bixby? A He told me if I would pay him ten dollars he would investigate the matter and that he could get it straight, and that he would charge me more than ten dollars but that he would charge me ten dollars to investigate it.

Q Did he tell you that you had been to the wrong man? A No, sir.

Q Did you ever ask any other applicant who he appeared before? A No, sir.

Q Didn't make any inquiry about it? A No, sir.

Q When Mike McIntosh told you Bixby was not the right man, did you see any Creek citizens and ask them about it? A No, sir.

Q He told you Mr. Bixby was not the right man and you never asked any other Creek citizen who he made his application to? A No, sir, I knowed that he knowed the business.

Q You swear to this Commission that you stated to Mr. Bixby, the head of this Commission, and he was the head of it at that time, that you wanted to make application for citizenship? A I did say that.

Q That is what you said? A That is what I said then.
 Q And he said he didn't have time to hear you? A Yes, sir.
 Q You swear that? A I will.
 Q And you have since learned that it was not his business to hear your application? A I learned that I didn't go to the right place.
 Q If you said that to Mr. Bixby are you certain that he did say, "I haven't time to hear you," or did he try to direct you to go some where else? A He said, "I haven't time to hear you, you will have to come back some other time."
 Q He didn't try to direct you to some other place? A He didn't talk to me that long.
 Q Didn't tell you to go any where else? A No, sir.

BY THE COMMISSIONER:

Q You told Mr. Mott that you didn't know you were up here before 8.30 A.M. or after 5 P.M. what time was it? A I don't know what time of day it was.
 Q Was it before daylight? A No, sir.
 Q Was it after sunset? A No.
 Q Was it before noon? A I couldn't say whether it was before or after noon.
 Q You say that you don't know whether it was before or after noon? A I couldn't say.
 Q But you do know it was sometime during the day? A Sometime in the day.
 Q Do you know whether it was between the hours of 8.30 A.M. and 5 P.M.? A It was sometime in the day.
 Q Do you know whether it was as late as five? A It was not that late.
 Q Do you know whether it was between 12 and 1 P.M.? A I couldn't say.
 Q Do you know whether it was before 8.30? A It was after eight.
 Q Was it after 8.30? A I couldn't say.
 Q You couldn't state whether it was 9, 10, 11, 12, 1, 2, 3 or 4 o'clock? A I couldn't exactly say. I simply knew it was after eight and was before five.
 Q That is all you can state? A I couldn't say positively what hour it was.
 Q I am not asking you to state positively what hour it was, but near what hour? A I don't know.
 Q That is all you know, it was after eight and before five? A Yes, sir.
 Q You can set up here and tell the name of a man you don't know very well and that he was here and all the circumstances and you can't tell within eight hours of the time you were up here? A No, I can't tell the exact hour.
 Q What is your occupation? A I do a great many things.
 Q What do you do now? A I farm some.
 Q When did this man Mike McIntosh tell you that you had gone to the wrong man? A In 1904, in August.
 Q Was it the day you came up here? A Yes, sir.
 Q Did he tell you that up in the hall? A I was turning to go out.
 Q You didn't do anything further on his suggestion? A No, sir.
 Q You didn't do anything after that on his suggestion? A Not at that time.
 Q Did you within two months after that? A It was sometime along in September.
 Q Did you act on his suggestion? A I went to Mr. Bixby.
 Q Did you do anything on his suggestion that you had gone to the wrong man within two months after he told you that? A I didn't do anything he told me.
 Q You didn't do anything in August after Mike McIntosh told you that Mr. Bixby was not the man, nor make any effort to go to any other man but Mr. Bixby? A No, sir, I didn't go to any other man only Mr. Bixby.

By Mr. Mott:

Q. What time was it you saw Mr. Bixby the second time? A. It was sometime after the first of September.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 22nd day of March, 1906.

Notary public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of G. D. Farrar, et-al as Creek freedmen.

STATEMENT AND ORDER.

The record in this case shows that on February 26, 1906, G. D. Farrar appeared at this office and submitted testimony in the matter of the alleged application for the enrollment of himself and minor children, Earnest and Piney Farrar; his brother, Austin Farrar, and his minor children, Jim, Mattie and Lottie Farrar, and one unnamed child; his brother, John Farrar and his unnamed children; his sister, Harriette Shelton, and her unnamed children; his sister, Cora Atchison and her children, Vikey, John and Sadie Atchison; his sister, Chlora Johnson and her minor children, Bessie, Merten and Lennard Johnson, as Creek freedmen. Further proceedings were had on February 27, 1906.

An attempt has been made to show that the principal applicant herein appeared at this office between August 12, and 16, 1904, and attempted to make application for the enrollment of himself and the other above mentioned persons. The said attempted application is claimed to have been made to Commissioner Bixby, who, as appears from the records of the Special Disbursing Agent for this office, was not in Muskogee from July 16 to August 18, 1904.

It does not appear from the evidence or from the records in the possession of this office that application was ever made for the enrollment of the aforementioned persons prior to February 26, 1906.

It is, therefore, ordered and adjudged that in view of the provisions of the Act of Congress approved April 26, 1906, this office is without authority to receive or consider any application for the enrollment of said parties at this time, and I therefore decline to receive the same.

Muskogee, Indian Territory.

COMMISSIONER.

FEB 11 1907

Gr.En. 1023.

Muskogee, Indian Territory, December 22, 1906.

E. B. Hughes,
Attorney at Law,
Sapulpa, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter under date of December 17, 1906 in which you state that at the request of Austin Farrar you desire to be informed whether there is an application pending before the Commissioner for the enrollment of Austin Farrar and G. D. Farrar and other members of this family. In reply you are advised that it appears from the records of this office that on February 26, 1906, one G. D. Farrar appeared before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory and testified in the matter of the application alleged to have been made for himself and others in the month of August 1904. Further testimony was taken on February 27, 1906.

You are informed that the matter of the alleged application for the enrollment of G. D. Farrar, et al as Creek Freedmen is pending in this office and when final action is had in same the parties in interest will be duly notified.

Respectfully,

Acting Commissioner.

Cr.No.1023.

Muskogee, Indian Territory, February 12, 1907.

G. D. Farrar,

General Delivery,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of G.D.Farrar, et al., as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LH-2/11.

Cr. No. 1023.

Muskogee, Indian Territory, February 12, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of G.D. Farrar, et al., as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-2/12.

Cr.No.1083.

Muskogee, Indian Territory, February 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of G. D. Farrar, et al., as Creek Freedmen, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-2/13.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Land
16035-1907.

WASHINGTON.

February 27, 1907.

The Honorable,

The Secretary of the Interior

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of G. D. Farrar, et al., as Creek freedmen, including the decision of the Commissioner to the Five Civilized Tribes dated February 11, 1907, adverse to the applicants.

The records shows that on February 26, 1906, G. D. Farrar appeared at the office of the Commissioner to the Five Civilized Tribes and submitted testimony in the matter of the alleged application for the enrollment of himself and minor children ~~Sam~~, Earnest and Piney Farrar; his brother Austin Farrar, and his minor children, Jim, Mattie, and Lottie Farrar, and one unnamed child, his brother H John Farrar, and his unnamed children; his sister, Harriet Shelton, and her unnamed children; his sister Cora Atchison and her children, Vikey, John, and Sadie Atchison; his sister Chlora Johnson and her children Bessie, Morten and Leonard Johnson, as Creek freedmen.

An attempt has been made to show that the principal applicant, herein appeared at the office of the Commission to the Five Civilized Tribes between August 12 and 16, 1904, and

-2-
attempted to make application for the enrollment of himself and other persons herein mentioned. The alleged application is claimed to have been made to Commissioner Bixby, who, as appears from the records of the Special Disbursing Agent, was not in Muskogee from July 16, to August 18, 1904.

Commissioner Bixby reports that it does not appear from the records of his office that any application was ever made for the enrollment of the persons herein named prior to February 26, 1904.

Therefore, by reason of the provisions of the Act of April 26, 1906 (§4 Stat.L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicants herein as Creek freedmen.

Very respectfully,

C.F. Larrabee,

EBM.Ph.

Acting Commissioner.

LBS

DEPARTMENT OF THE INTERIOR
WASHINGTON.

JP

FHE

I.T.D.
6128, 6180, 6490, 7001, 7228-07.
7338, 7412, 7434, 7444, 7500-
7590, 9636, 7676, 7712, 7746-a.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek enrollment cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Sarah Ann Turner and Dugan Reet, deceased,	February 18, 1907.
G. D. Farrar, et al., (Freedman)	February 12, 1907.
Harvard Luckey (Freedman)	February 14, 1907.
Simon Harje et al.,	February 19, 1907.
Minnie Davis (Freedman)	February 18, 1907.
Harjeshe,	February 21, 1907.
Frank Brown,	February 2, 1907.
Caesar Sandridge, deceased, (Freedman)	February 19, 1907.
John Shelby Johnson,	February 23, 1907.
Mellie Colbert, et al., (Freedman)	February 16, 1907.
Minnie Evans (Freedman)	February 19, 1907.
Austin Kennard,	February 21, 1907.
Gains Medlock, et al.,	February 23, 1907.
Jeffrey Gough deceased, (Freedman)	February 25, 1907.
Bee Dorcas, et al.,	January 18, 1907.

Copies of Indian Office letters submitting your reports
and recommending that the decisions be approved, are inclosed.

A copy hereof and the papers in the above mentioned cases
have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

18 inc. and 32 for Ind. of.
with copy hereof.

WXP 3/4/07.

Cr. An. 1023

Muskogee, Indian Territory, March 12, 1907.

G. D. Farrar,

General Delivery,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of G. D. Farrar, and others, as Creek freedmen.

Respectfully,

Commissioner.

CR EN 1024

CR EN 1024

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 5, 1906.

In the matter of the alleged application for the enrollment of Nelson McIntosh as a citizen of the Creek Nation.

APPEARANCES: J.B. CAMPBELL, attorney for applicant.

NELSON MCINTOSH, being duly sworn, testified as follows:

- Q What is your name? A Nelson McIntosh.
Q What is your age? A Thirty two.
Q What is your post office address? A Muskogee.
Q What is your purpose in appearing here now? A Is to get rights of citizenship.
Q Don't you know that the rolls of the Creek Nation are closed, that the time has expired for making applications? A Yes, sir I know it is.
Q Are you trying to make an ~~original~~ application for enrollment in the Creek Nation now? A Yes, sir.
Q Are you trying to be enrolled as a Creek freedman or a Creek by blood? A Creek by blood.
Q You claim as a Creek by blood? A Yes, sir.
Q Did you or any one for you ever make application to the Dawes Commission for enrollment as a citizen of the Creek Nation prior to or on September 1, 1904? A No, sir.
Q What do you claim now then, what rights have you as a citizen of the Creek Nation? A My father was an Indian.
Q Did you or your father ever make application for you prior to 1904? A Yes, sir. I didn't understand your other question.
Yes, sir, he did.
Q Do you claim that application was made for you? A He was in the Commissioner's office.
Q Who? A He and my father too.
Q What was his name? A Morie McIntosh.
Q When was that you went in the Commissioner's office? A That was when they was in the frame building.
Q Is your father enrolled here? A Yes, sir.
Q Is your father living? A No, sir; dead.
Q How long has he been dead? A 1904 in February.
Q What was the name of your mother? A Mary McIntosh.
Q Is she living? A Yes, sir; her name isn't McIntosh now but it was then; her name is Mary Johnson now.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q What is her post office address? A Cherryvale, Kansas.
Q Can you give me the name of any one else that was with you on that date, anybody that's living? A My aunt came with us.
Q What is her name? A Nannie Monday.
Q Is she a citizen? A Yes, sir.
Q What is her post office address? A Summit.
Q What was the name of your father's father? A My grandfather was dead before my time.
Q Tell me his name? A I don't know.
Q Do you know the name of his mother? A I don't know.
Q Do you know what Creek Indian town your father belonged to? A A Arbithke
Q How did you get that information? A From my father.
Q When did he tell you that? A He told me that when we were coming

up because my uncle was town king, Abram McIntosh.

Q Did your father ever draw any money from the Creek Nation? Suppose he drew bread money.

Q What town did he draw from? A Don't know.

Q Where did your father live at the time of his death? A Five miles west of Okcoteah.

Q Do you know the names of any other towns besides this Arbithka?

A No, sir.

Q You say Arbithka, who told you he belonged to that town? A My father.

Q Did he describe it any further than that? A No, sir he never made any description.

Q You don't know the names of either of your father's parents do you? A No, sir, I don't.

Q When did you say your father died? A February 1904

Q What day? A I don't know.

Q You are sure it was in February? A Yes, sir.

Q Did your father have any brothers and sisters? A Yes, sir.

Q What were their names? A Martha Crossman, Rena Grayson, Abram McIntosh, Wannie Monday; that's all of them.

Q You are sure he had no other? A Not as I know of.

Q When you went in the office of the Commissioner with Morie McIntosh, who you claim was your father, what did you do? A Sat down.

Q Don't you know that just going in the office and sitting down didn't make an application? A I never made any talk; my father did the talking and I sat there.

Q Did you hear what he said? A Yes, sir.

Q Did you hear what was said to him? A Yes, sir.

Q Tell it? A They asked him if he knew me and he said yes; asked him if I was his son and wanted to know where he had been and where I had been. Said I had been to Arkansas with my mother. Wanted to know why I hadn't been up before now and he said I had been backwards and forwards and he hadn't any chance to come up with me till that time; they never said any more only to ask him these questions.

Q When was this? A I don't exactly know what year it was, I can't say.

Q How many years ago was it about? A I won't say because I am afraid to be wrong but I know they was in a frame building--I am positive of that.

Q Was the town built up much then? A Yes, sir, considerable.

Q Who was the man you and your father went before? A I don't know

Q How do you know it was the Commissioner? A It was supposed to be the Dawes Commission.

Q Who said it was? A My father; everybody else was going there and we went too.

Q That's all you did? A I came back once but he was taken sick and couldn't come up.

Q Since that time? A No, sir not as I know of.

Q What is the blood of your mother? A Colored woman, African descent.

Q Claim any Indian blood? A No, sir.

Q How much Creek Indian blood do you claim your father had? A He was a half and over, he was a half anyhow.

Q Are you sure he was as much as a half? A Yes, sir.

Q Did he tell you he was more than a half? A No, sir he told me he was a half.

Q How old was he when he died? A I don't know exactly now; I didn't know his age at all.

Q How long have you lived in the Creek Nation? A Off and on ever since I was about 14 years old.

Q How long have you continuously resided here this last time?

A I have been here the last ten years or more.

Q Where did you live before that? A Didn't have any special place; just like I said before was in here off and on since I was about 14 years old.

Q Where were you born? A In the territory.

Q In what nation? A Creek nation

Q How long did you live there continuously after your birth?

A I was getting a good sized boy when my father took me to Arkansas.

Q How long did you stay there? A I staid until I was big enough to come back here to my father.

Q How many years did you stay in Arkansas? A Must have staid there 8 or 9 years if not more than that.

Q Then where did you go? A To Texas.

Q How old were you then? A Fourteen years old.

Q Then how long did you stay here in the territory? A Long time don't know exactly how long but a good while.

Q How long? A I can't say; I don't know

Q Were you in the Creek Nation? A Yes, sir.

Q Where did you go then? A South McAlester.

Q How long did you stay there? A Quite a good bit, over a year.

Q Two years? A Probably about two years.

Q Three years? A No, sir not that long.

Q Then where did you go? A Muskogee.

Q How long here? A while

Q Then where? A Then down to my father at Checotah.

Q How long did you stay there? A I staid there quite a while, wouldn't state any definite time.

Q Then where? A To Muskogee

Q How long did you stay? A Seven or eight months.

Q Then where? A To Wagoner.

Q How long did you stay there? A Not very long.

Q Where then? A Up to Kansas.

Q What part? Coffeyville.

Q How long there? A About three months I guess.

Q Where then? A Muskogee.

Q How long there? A A year I guess.

Q Where then? A Down to my father.

Q How long there? A Didn't stay there but a little bit and that is the way I did, backwards and forwards.

Q Did you ever draw any money from the Creek Nation? A No, sir.

Q Was any money ever drawn for you? A Supposed to be but I never got any.

Q Why do you say supposed to be? A My folks told me he drew some for me but my father said he didn't because he didn't know where I was.

Q Were you ever recognized by the tribal authorities as a citizen of the Creek Nation? A Yes, sir

Q Were you ever admitted to citizenship in the Creek Nation by the tribal authorities? A Yes, sir

Q What do you mean by being recognized? A My father and kin folks recognized me.

Q I asked if the tribal authorities recognized you? A No, sir not as I know of

Q Ever admitted to citizenship in the Creek Nation by any of the tribal courts? A No, sir.

Q Ever apply to them? A Just as I told you with my father.

Q Did you apply to the Commission or did any one for you in 1896 for citizenship in the Creek Nation? A I don't know, sir.

Q You would know whether you applied in 1896 wouldn't you? A I never applied, no, sir

Q Did this Morie McIntosh you are talking about, recognize you as his son before he died? A Yes, sir he did.

Q Have you any proof of that now? A Yes, sir.

Q You have no witnesses relative to your alleged application or your right to enrollment? A Yes, sir.

Q Can you tell of any person who heard him recognize you as his son? A Bud Dean, Douglass Perryman, Lucinda Dean and Fannie Lowe

Q All these people heard your father before his death recognize you as his son? A Yes, sir.

Q Why did your father tell all these people that you were his son?

A Because we were riding around when I would be here and he would make them acquainted with me, would say this is my son; these names I have given knew me from a little child.

The records of the Commission examined and it does not appear that any application was made for the enrollment of any person by the name of Nelson McIntosh within the time prescribed by law.

Q Was this alleged father of yours married to your mother? A Yes

Q When were they married? A I don't know.

Q Before you were born? A Yes, sir.

Q Did he have any other wife before he died? A My step-mother.

Q Was he separated from your mother? A He took her to Arkansas and she never came back.

Q How long did your father live with your mother? A Before I was born; and he took us to Arkansas.

Q Whom did he take? A Me and my mother.

Q Did they separate before or after you were born? A After.

Q How big? A I was a good big boy, big enough to remember.

Q Were your father and mother lawfully married? A I suppose so from what they said.

Q Have you any evidence of that marriage, license or witness? A No sir I haven't.

roll

The Creek Indian town, to which Morie McIntosh belonged, examined and the name of the applicant not found thereon.

It is impossible to examine any other towns on account of his ignorance of the names.

Q That time you came in with your father all that was done is what you have told? A Yes, sir.

ATTY. FOR APPLICANT.

Q Do you know where you were born? A In Creek Nation.

Q Do you know what place or about what place? A I don't, only what mother says; she says I was born in Fisher town.

Q You said in answer to a question of the Commission that this was your original application, now do you wish that to stand that this is the first time that any application was made for you? A That I know of.

Q Do you know what the word original means? A No, sir.

Q It means the first time that you or any one for you has appeared before Commission to make an application? Now is this the first time? A Only when my father came up.

Q Has no one else made an application for you, do you wish it to stand in the record that no one has made an application? This is the first time I came by myself.

Q Did you ever appear here with your father? A Only the same time I said before.

Q You have said that this was the first time you appeared? A The first time I was ever questioned by the Commission at all.

Q You say that your father and mother went to Arkansas, about how old were you? A I don't know

Q Five or six or ten? A I am afraid to say, because I don't know.

Q Did your mother ever come back to the Indian Territory with your father? A No, sir, never after.

Q When was the first time you came back? A When I was fourteen.

Q Did you go to the home of your father then? A Yes, sir.
Q Do you know whether or not your father is enrolled as a Creek citizen? A I do.
Q Do you know whether or not he was enrolled as a citizen by blood or a freedman? A I do.
Q How was he enrolled? A By blood.
Q Do you know whether he ever received deeds to his allotment? A I don't know whether he received it. I did.
Q Who delivered the deed to you? A Mr. Porter.
Q Do you know Mr. Porter personally? A Yes, sir.
Q Have you ever talked with him? A Yes, sir.
Q Was he present when the deed was delivered to you? A Yes, sir.
Q Did he recognize you as a son of Morie McIntosh? A Yes, sir.
Q Do you remember about the time you came hereto make that application, you and your father? A I don't know.
Q About what time? A I don't know sir and I am afraid to say.
Q Five or six or seven years ago? A I am afraid to make any definite time because I don't know.
Q Where did you come from at that time? A I came on the train.
Q How did you go back? A On the train.
Q Where did you come to? A I don't know.
Q You say that you and your father came up here and went to see the Commissioner in a frame building, you must have known where?
A From home.
Q Where was your home? A On Elk Creek by Checotah.
Q How long had you been living there? A Quite a while.
Q How did you come from Elk Creek up here? A On horseback.
Q When did you leave home? A In the morning, didn't have any clock
Q And you came by horseback? A Yes, sir.
Q Did you go back that same day, or stay in town? A Went back to Aunt Fannie Monday's and staid all night, eleven miles from here.
Q Did you go on horseback? A Yes, sir.
Q When you came in to the land office can you describe the land office that you went in to? A We went into a door and there was a bench standing there and there was a man in the office and we sat down on the bench.

COMMISSIONER.

Q You didn't state that you went into the land office? A No, sir I mean the Commissioner.
Q How do you know it was the Commissioner? A What people said
Q What kind of a lookingman do you say the Commissioner was?

OBJECTED to by atty. for applicant.

A I didn't pay any attention to him myself, he was talking to my father.
Q Do you know the name of the man your father was talking to and you think was the Commissioner? A No, sir.
Q How old were you at this time? A I don't know.
Q Were you of age? A I don't know whether I was or not.
Q Were you nearly a grown man? A Very near it, big enough to look around but I don't know how old I was.
Q Do you know whether you were 15 or not? A Yes, sir I was older than that.
Q About how long did you and your father stay in that room? A Not very long.
Q How long did that conversation you have described last? A It lasted long enough to ask those questions.
Q What time of the day was it? A In the morning.
Q Before twelve? A Yes, sir.
Q How many hours before noon? A It must have been a couple of hours. I don't know exactly.

Q De you know whether it was three hours or not? A I don't know whether it was 2 or 3 hours but I know it was in the forenoon/.
Q De you know if it was four hours? A I don't know. I know it was in the forenoon.

Counsel for applicant desires that a statement be made by the Commissioner in the record wherein the former building was located and whether or not there was more than one prior to the time that they occupied the present brick building and whether or not this former place occupied the same grounds that the present building does.

ATTY. FOR APPLICANT.

Q De you know who the Commissioner to the Five Civilized Tribes is now? A Bixby.
Q De you know him when you see him? A No, sir.
Q De you know whether the party in this office who has been questioning you in this office is the Commissioner or not? A I don't know.
Q De you know whether you are now in the land office, the enrollment office or the contest department of the Creek Nation? A I know I aint in the land office but I don't know where I am at.
Q And you don't know whether you are in the presence of the commissioner now or not? A No, sir.
Q Did you know that when you made your first appearance as you say before the Commission. AA Only what they say.

The present examination is before Mr. Hains of the Creek Enrollment Division.

Q De you know whether or not the building that you and your father entered at the time you say you did enter to make application for enrollment was in this city block or not? A I don't know. It wasn't in this building, I know that.
Q De you know where it was located? A The town has built up so.
Q You don't know what block it was in then? A No, sir.
Q De you know what a city block means? A I suppose I do.
Q What does it mean? A Block means from street to street I suppose is a block, don't know how many lots in a block.
Q Where do you think this frame building you say you entered was located; could you go out on the street and say where it was located? A Seems to me like it was located where the Homestead building was located but I don't know for sure.
Q De you know whether or not the Homestead building is in this block? A Yes, sir it is in this block.
Q Where is it? A Right up the street here ; I don't know the number of the place but know where it is.
Q You say that you went to Arkansas with your father and mother and came back here when you were fourteen, have you been back to see your mother at different times since that? A Yes, sir.
Q And have staid there a portion of your time? A No, sir I never staid with her after I left her; only went to visit her.

Counsel for applicant requests that the Commissioner locate the Homestead building as now located in Muskogee and its location with reference to the former buildings which were formerly occupied by the Commission and the applicant wishes further to introduce testimony as to his being the son of Morie McIntosh now deceased.

COMMISSIONER/

Q Have you been in Muskogee for any considerable period for the last seven years? A Yes, sir.

Q You consider it your home now? A Yes, sir.

Q How long been your home? Been getting your mail here 7 or 8 years? A Yes, sir.

Q And outside of that brief visit you say you and your father made towards an application you never did a thing? A No, sir.

Atty. for applicant.

Q You have made brief visits to other places throughout the territory haven't you? A Yes, sir.

Q Were you here in the Creek Nation most of the time in the last ten years? A Yes, sir.

Reference is made to Old Creek card 1468.

I, Anna Garrigue, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigue

Subscribed and sworn to before me
this 7 day of March 1906.

J M Derwent
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 22, 1906.

In the matter of the alleged application for the enrollment of Nelson McIntosh as a Creek freedman.

Office of Creek attorney communicated with and this office was advised to proceed with the case without his presence.

J.B.Campbell attorney for applicant.

MARY JOHNSON, being duly sworn, testified as follows:

- Q What is your name? A Mary Johnson.
Q What is your age? A I am near 57.
Q What is your post office address? A Cherryvale, Kansas.
Q How long have you lived there? A A little over a year.
Q Where did you live before that? A Fort Smith.
Q How long were you there? A About 15 years.
Q Where before that? A In the Territory.

To Atty. What do you want to prove by this witness? (atty.) I want to prove who was the father of this applicant.

BY ATTY.

- Q I will ask you if you were ever married in the Indian Territory?
A Yes, sir.
Q Whom did you marry? A Morey McIntosh.
Q Do you know what year this marriage took place? A In June 1873.
Q How long had you lived in the territory prior to that time? A I came in '69
Q Where from? A Texas.
Q You were married in '73 to Morey McIntosh? A Yes, sir.
Q Do you know under what law that marriage was performed? A It was the old law. There was no license ; you just said the ceremony and were pronounced man and wife.
Q Who pronounced that form? A Dave Carr.
Q Was he an Indian? A Yes, sir.
Q Was Morey McIntosh an Indian? A Yes, sir.
Q Did you have a child by Morey McIntosh? A One
Q Who was that? A Nelson .
Q Is this the Nelson McIntosh sitting here? A Yes, that's my son.
Q And Morey McIntosh was the father? A Yes, sir, the father of that boy.

COMMISSIONER.

- Q Are you a citizen of the Creek Nation? A No, sir.
Q State woman? A I was owned by Capt. Standwaitie in the Cherokee Nation
Q Ever try to get any rights there? A No, sir
Q Don't claim to be a Cherokee freedman? A No, sir, I never tried to get any freedman rights or nothing
Q How long did you keep this boy here? A I kept him with me until he was about 14 and then he came to his father and he was backwards and forward first with me and then with his father that was the way he did.
Q When was the last time you saw him before today? A I see him every 3 or 4 months.
Q Does he come to Kansas to see you? A Yes, sir
Q How long did you live with Morey McIntosh? A Better than four years.

Q Did you get pretty well acquainted with him? A I think I did.

Q Do you know if he had any other name besides Moray McIntosh? A No, sir. He was a fine looking man. He had the smallest that kind of disfigured his face of course but he was a nice looking man.

Q Did he look like an Indian? A Yes, sir he had straight hair.

Q Did he have the Indian color? A He had more negro color.

Q Was his hair curly at all? A No, sir perfectly straight.

Q Did he ever tell you he had Indian blood? A Sure he did. His mother was a fullblood.

Q Greek? A Yes, sir.

Q Did he ever tell you his father had Indian blood? A No, sir.

Q Did he ever tell you that he himself was a Greek? A Yes, sir.

Q Did he tell you what Indian town he belonged to? A He lived in the Arbiske settlement between North Fork and Deep Fork.

Q Did you hear him say that? A No, sir, we lived there.

Q Did he tell you what town he belonged to? A No, sir. He was born between North Fork and Deep Fork; I lived in the house.

Q Did he ever tell you the name of his town king? A No, sir.

Q Ever tell you the names of any members of the council for his town? A No, sir, I don't remember of him saying that.

Q What was the name of Moray's father? A I don't remember what his name was.

Q Did you ever hear it? A Yes, sir, but it has been a good many years. I didn't know his parents.

Q What was the name of his mother? A I don't know.

Q Where did you hear Arbiske? A I lived there that was the only name I ever heard.

Q You lived in Arbiske? A I lived there in that settlement, where they used to have the Indian dance or bus as they called it-some time in August.

Q Did you ever go to any of these? A Yes, sir.

Q Can you tell me the name of any other Creek Indian town besides Arbiske? A No, sir I really can't. I guess I can call the names of towns.

Q Creek Indian towns in the same class with Arbiske? A I don't know. You mean towns?

Q I mean Creek Indian towns like you gave the name of Arbiske. I ask you if you can give the name of any other Creek Indian town just as you gave the name of Arbiske for the Creek Indian town of Moray? A Mafaula, Okmulgee.

Q Any others? A Fishertown.

Q Were these settlements just like Arbiske? A No, sir only Fishertown. It was a settlement like Arbiske.

Q And this man Moray belonged to Arbiske like others might belong to Okmulgee? A Yes, sir he belonged in Arbiske town.

Q Did you ever hear of Wallawalla town? A I don't know whether I did or not. I don't remember that but Arbiske I will never forget; I lived there.

Q Did you ever hear of Pushy town? A No, sir.

Q Did you ever hear of Nuyah town? A I don't know, I might.

Q Did you ever hear of Ketchpetka town? A No, sir.

Q Did you ever hear of Canadian North Fork town? A Yes, sir I have heard that.

Q Ever hear of Canadian Deep Fork? A I have heard of that.

Q But the only thing you ever heard about Moray's town was it was Arbiske? A Yes, sir I know about that.

Q Ever hear it called anything else? A No, sir.

Q Ever hear of any other Arbiske except that? A No, sir.

Q How many Creek Indian towns do you know? A I don't know.

Q You lived here a long time? A Yes, sir.

Q Do you know of any other Creek Indian towns? A I don't know. It has been a good while since I have lived here. I don't remember any other but I will never forget Arbiske.

Q Do you mean a town like Mafaula? A No, sir I mean a settlement where they held council. The Indians used to council. We lived in that settlement.

Q Did you ever hear of Sheceta? A Yes, sir.

Q Was that a Creek settlement? A Yes, sir
Q Ever hear of Atoka town? A Yes, sir
Q Is that a Creek settlement? A Yes, sir.
Q Ever hear of Talahatchi? A Yes, sir.
Q Is that a Creek settlement? A I don't know.
Q About how old a man was Morey McIntosh? A I don't really know.
Q Was he light colored or dark colored? A Tolerably dark.
Q Light as you? A May be a shade darker.
Q Did he have a flat nose? A No, sir
Q Didn't have kinky hair? A No, sir
Q Have any whiskers? A No, sir, only a little mustache.
Q Was this boy born before you quit living with him? A Yes, sir
Q How old when you quit living with him? A Four years, turned a little into five.
Q Did you ever see Morey after that? A No, sir not after he carried me to my mother.
Q Can you speak Creek? A No, sir.

The applicant is present and has every appearance of being a negro. Has kinky hair, flat nose, thick lips and dark skin and every indication of a full blood negro.

Q You say you haven't seen Morey McIntosh since this boy was four years old? A No, sir.
Q How old is this boy? A Thirty two.
Q Sure of that? A Yes, sir
Q How do you know that? A I know his age.
Q How can you remember it? A A mother always can remember her children's ages.
Q What year did you say you were married to Morey? A In '73
Q What year was he born in? A February 7, '74

Attorney for applicant objects as to the description of the applicant placed in the record by the Commissioner.

ATTY. FOR APPLICANT.

Q Did you ever hear who was town king of Morey McIntosh's town? A Yes, sir I have heard the name but I can't remember.
Q Was he any kin to you? A No, sir
Q Any kin to Morey? A Not as I know of.
Q Would you know his name if you heard of it? A I believe I would.
Q Was it Pare Bruner? A No, sir
Q Was it Tom Adams? A I know Tom Adams. It wasn't him.
Q Was it Abraham Kernel? A I don't know.
Q You didn't know the father or mother of Morey, did you know any of his kin folks? A Yes, sir.
Q Name some of them? A Abe McIntosh was his brother.
Q Anybody else? A Riner his sister and I forget his other sisters name.
Q Did you ever hear that there was more than one Arbielm town? A No, sir never heard that.
Q When was the first time you were asked to testify in this case? A This is the first time I have been called.
Q When was the first time you were requested to appear here and testify? A I have never been requested to appear; I mean not until I was requested this time.
Q Who requested you to come here? A I got a letter from my son.
Q How long had it been before you had heard from him before? A I got letters often.
Q From this same fellow? A Yes, sir
Q Now you have named Abe and Riner, do you know any other kin folks of Morey's? A Annale and we always nicknamed another of his sisters Affie; I don't know her name.
Q Any others? A No
Q Is that all you remember of his brothers and sisters? A Yes, sir

Q Did you ever hear of this boy under anything else than Nelson? A Yes I named him and his name is John Nelson.
Q Did you ever hear him called anything else? A No, sir, that's all, John Nelson McIntosh.
Q Did you ever hear of any of Morey's kin folks, Viceroy? A That was Affie's daughter I never met her but I have heard her name.
Q Did you ever hear of any of his kin folks named Pechehentas Smith. No
Ever hear of any named Eastman Richards? A Yes
Q What kin to Morey? A Riner's son.
Q Did you know Abe McIntosh? A Yes, sir
Q Is he living? A The last account he was living.
Q Ever knew his wife? A Yes, sir his wife was Martha.
Q Was Riner a full sister? A They said they was all full.
Q Did you ever hear of any one named Martha Crossland? A I don't remember that.
Q Did you ever hear that Affie was called Martha Crossland? A No, sir I just knew her by Affie.
Q Never heard that this fellow was called Thomas? A He never was called Thomas; he was John Nelson McIntosh.
Q Where was this man sitting here, in '98 or '99, that's about 7 or 8 years ago? A I got letters from him that he was here in the territory where his father was.
Q Ever hear of Sallie McIntosh? A No, sir
Q Ever hear of James McIntosh? A No, sir
Q Of James Barnett? A I have heard that name but I didn't know him.
Q Ever hear of Eastman McIntosh? A Yes, sir.
Q Ever hear him called anything else besides Eastman McIntosh? A We called him Eastman Bogie.
Q Ever hear him called anything else? A No, sir
Q You said Morey's mother was an Indian, are you sure of that? A That is what they told me and I saw her sister.
Q Fullblood? A Yes, sir.
Q What did they tell you his father was? A He was a darkie; whether he was mixed or not I never heard him say. He said his mother was a full blood Indian and I saw his mother's sister and she was a full-blood.
Q When did Morey die? A I don't know.
Q Had you ever heard from him before he died? A Through Nelson.
Q Did you hear through Nelson that he was dead? A Yes, sir.
Q When was that? A I really don't know.
Q Been couple or three years ago? A A little over two years I think.

NELSON McINTOSH being duly sworn testified as follows:

Q Where have you been living the last ten years? A In the territory.
Q In the territory all the last ten years? A That's my home.
Q Have you been with Morey McIntosh in that time? A Yes, sir.
Q Lived with him? A Yes, sir.
Q The last ten years? A Lived with him; made it my home at his place.
Q Did you as much as 15 years ago? A Yes, I came when I was fourteen
lived with him off and on and been with him till he died.
Q From the time you were fourteen until he died were you ever away from his house as much as a year at a time? A I don't hardly think I was.
Yes, sir I was.
Q When was that? A I don't know what year.
Q About was it in the last ten years? A No, not the last ten. I haven't been away as much as a year in the last ten years but I have been away more than a year before that time. I staid at South McAlester about two years. I was up to see him in that time.
Q What was his post office address? A Checotah.
Q All his life? A That is all where I wrote to. He didn't do his trading in Checotah but got his mail.
Q Did you live in Checotah as much as a year at one time? A Yes, sir.
Q What is your business? A Haven't any.
Q Did you ever do anything at Checotah? A Helped my father.
Q Didn't you ever work in Checotah? A No, sir.
Q During your stay in the territory have you ever been convicted of any crime? A No, sir

Q Never been arrested? A I have been arrested but not in the territory not for anything criminal but for a little fight.

Q I would like to have you give to the best of your knowledge all the children Morcy McIntosh ever had? A I never knew but two.

Q What two? A I won't say two--I know one that's Tom.

Q What is the name of his father? A Morcy McIntosh.

Q What was the name of Tom's mother? A Rose.

Q Is Tom living? A No, sir got killed about five years ago or a little better.

Q How did he die? A Got shot; a man shot him.

Q What kind of a woman was Rose? A Dark woman.

Q Negro or Indian? A Negro.

Q Fullblood? A I don't know, but mighty dark.

Q Ever hear of any other children of his? A I heard of a sister, supposed to be fullblood by an Indian fullblood woman.

Q You say Tom was killed about five years ago? A Something like that.

Q Can't you come closer than that? A No, sir, because I wasn't here when he got killed.

Q Could you be mistaken three years? A No, sir I couldn't be mistaken three years.

Q Then it couldn't be more than six years? A Yes, sir I am sure of that not more than that; my father's been dead two years. My father died after Tom was killed.

Q Did you ever hear that Tom was called anything else? A Never heard anything else and we was raised right up together.

Q Where did Tom live? A With my father.

Q At Checotah? A On Elk Creek; Checotah done our trading.

Q You are sure that Tom couldn't have been killed as much as six years ago? A I don't know what time he was killed.

Q I asked you if from what you know of it if you could have been mistaken as much as three years when you stated five years and you said "no" Do you know it wasn't eight years? A I know that.

Q Not as much as seven years? A Yes, sir.

Q Positive? A Yes, sir.

Q Ever hear what Creek Indian town Tom was on? A Tom wasn't on the Creek roll anyway. He was on the freedman roll.

Q Are you sure of that? A Yes, sir my father and his mother had a dispute over his claim after he got killed.

Q Did he have his deed? A I don't know but I know they had trouble over his claim.

Q What kind of trouble? A Over the division of the land. His mother wanted all of it and my father thought he ought to have half of it.

Q Never heard what Creek Indian town he belonged to? A No, sir.

Q Ever hear what Creek Indian town Morcy belonged to? A Nothing but Arbithka.

Q Can you read and write? A Yes, sir.

Q How do you spell the name of your father? A Morcy McIntosh.

Q Ever hear him called anything else? A No, sir.

Q Sure of that? A Yes, sir.

Q You said something in your testimony about an Abe McIntosh? A My uncle.

Q Did you know the name of his wife? A I don't know. I never went around. She was a fullblood and I couldn't understand her. I knew her and have been there lots of times but don't remember her name.

MARY JOHNSON RECALLED:

Q You said something about Riner; what was her name? A Riner McIntosh.

Q Ever hear her called anything else? A No, sir.

Q Do you know if Morcy McIntosh ever drew any money from the Creek Nation? A Once a year, they did years ago.

Q You left in 1878 and never came back? A I never came back.

Q Is this the first time you have been in the Creek Nation since 1878? A Yes, sir.

Q You wouldn't know anything about the \$10 and \$20 payment? A No, sir.

Q Did your son or Marie? A Marie didn't.

WILSON McINTOSH RECALLED:

Q You are sure this half brother of yours was a freedman? A From what they say.

Q You are sure that he is enrolled and from the best of your knowledge he is enrolled as a freedman? A Yes, sir, his mother was on the freedman roll and he followed his mother.

Q Did you follow your mother? A My mother is a colored woman.

Q Wasn't your father a colored man? A No, sir he was an Indian.

REES EVANS, being duly sworn, testified as follows:

Q State your name, age and post office address? A Rees Evans, age 33, Rushoga.

ATTY. FOR APPLICANT.

Q What office do you hold at the present time? A Special disbursing Agent for the Commissioner to the Five Civilized Tribes.

Q I will ask if this paper you have in your hands is a part of the records of your office as such disbursing agent? A It is of the office of my predecessor.

Q I will ask you if you knew the time that the Commission was in the two frame buildings before they took possession of their present quarters? A The records of this office show that in April 1900 we paid rent for the frame building, for the months of May and June we paid rent for the brick building showing that the transfer was made some time during that time.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this day of April 1906.

J. M. Dermott
Notary Public.

Cr. No. 1884.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the
enrollment of Nelson McIntosh as a citizen of the Creek Nation.

STATEMENT AND ORDER.

The record in this case shows that on March 8, 1906, Nelson McIntosh appeared before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory and testified in the matter of an application, alleged to have been made prior to the year 1904, for his enrollment as a citizen of the Creek Nation. Further proceedings were had March 22, 1906.

The evidence shows that said Nelson McIntosh alleges to have appeared, in company with his father Morie McIntosh, at the office of the Commissioner to the Five Civilized Tribes, at the time the offices of said Commissioner were located in a frame building in the city of Muskogee.

It appears from the records in the possession of this office that said Commissioner occupied and paid rent for a frame building in the city of Muskogee from November 1898 up to and including April, 1900, after which time said offices were removed to a brick building.

Neither is the testimony of Nelson McIntosh, as to an application having been made by or for him, corroborated by the testimony of other witnesses, nor does it appear from an examination of the records in the possession of this office that any application has ever been made for his enrollment as a citizen of the Creek Nation.

The act of Congress approved April 24, 1906 (Public No. 129), provides in part as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application."

I am of the opinion, that inasmuch as the record in charge of the Commissioner to the Five Civilized Tribes fails to show that any application has ever been made for the

15-8-23-3-

enrollment of Native Americans as a citizen of the United States, within the time limited by the provisions of the laws of the United States, and without authority to receive or transmit any money or property for the enrollment of said applicant at this time and I therefore decline to receive the same.

Managua, Indian Territory,

Commissioner.

AUG 22 1906

Wagoner, Ind.Ter. July 18th, 1906.

Hon. Dawes Commission,
Muskogee, Ind.Ter.

Sir:

Some time during the year of 1899, I appeared before your Commission as an applicant for Creek citizenship and I have reappeared several times since before you in support of my case. I am the son of Morris McIntosh, who was a Creek citizen and who died during the year 1904. I have introduced witnesses to support my claims and have complied to every requirement that you have exacted from me and now I am anxious to know what disposition have been made with my case. Please let me know at once.

I am very respectfully yours,

Signed Nelson McIntosh
A Creek citizen.

Muskogee, Indian Territory, July 28, 1906.

Nelson McIntosh,

Wagoner, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of July 18, 1906, requesting information as to the status of your application for enrollment as a Creek citizen.

In reply you are advised that said case is now pending in this office; that it does not appear at this time that further evidence is required and when final action is had in same you will be duly notified.

Respectfully ,

Signed Tams Bixby,
Commissioner.

En 102

Muskogee, Indian Territory, August 24, 1906.

J. B. Campbell,
Attorney At Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of August 22, 1906, the Commissioner to the Five Civilized Tribes rendered a statement and order dismissing the matter of the alleged application for the enrollment of Nelson McIntosh as a citizen of the Creek Nation. A copy of said statement and order is inclosed herewith.

Respectfully,

JCL-8-23.
Register.

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:

CR. IN. 1024

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 24, 1906.

Nelson McIntosh,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of August 22, 1906, the Commissioner to the Five Civilized Tribes, rendered a statement and order dismissing the matter of the alleged application for your enrollment as a citizen of the Creek Nation

A copy of said statement and order is inclosed herewith.

Respectfully,

W. O. Beall

Acting Commissioner.

Register
JCL-8-23-

Sept 21st 1906.

Hon Secy of Interior,
Washington, I.T.

Dear Sir:

Find enclosed letter from Commissioner to the five civilized tribes, in re Nelson McIntosh. Had this letter not have misled the applicant, he would have furnished further proof in his case, he as well as his Counsel believed, and inferred from this letter that no further evidence was required of him by the Commission. will you please consider this as a part of our memorandum of argument upon appeal in this matter.

Very truly,

Signed W. D. Halfhill.

GAW.

Refer in reply to the following:
Land: 84508-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 3, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, I.T.

Sir:

There is transmitted herewith a letter from W.D.Halfhill, attorney-at-law, Muskogee, I.T., dated September 21, 1906, relative to the enrollment of Nelson McIntosh as a Creek citizen. Attorney Halfhill enclosed a communication from you, dated July 28, 1906, addressed to Nelson McIntosh, Wagner, I.T., in reply to his request for information as to the status of his application for enrollment as a citizen of the Creek Nation. Attorney Halfhill requests that these two letters be considered as a part of his argument on appeal.

The record in this case has not been received by this Office and the two letters herein referred to are transmitted herewith to be filed with the original record in your office.

Very respectfully,

C.F.Larabee,

Acting Commissioner.

REM C.

Ca. En. 1024

Muskogee, Indian Territory, January 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

March 5, 1906, one Nelson McIntosh appeared before the Commissioner to the Five Civilized Tribes and testified in the matter of an application alleged to have been made for his enrollment as a citizen of the Creek Nation. Further proceedings were had March 22, 1906. A statement and order prepared in this matter received the signature of the Commissioner on August 22, 1906.

The Acting Commissioner of Indian Affairs, under date of January 3, 1907, transmitted to this office a letter from W. D. Halfhill, attorney at law, Muskogee, Indian Territory, relative to the enrollment of said Nelson McIntosh as a Creek citizen, enclosing a communication from this office dated July 28, 1906, addressed to Nelson McIntosh, in reply to his request for information as to the status of his application for enrollment. The Acting Commissioner of Indian Affairs requests that

Secretary L.

said lottery be filed with the original record in the case.

There is transmitted herewith for the consideration of the Department the entire record in this matter.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

19-1

Muskogee, Indian Territory, January 19, 1907.

The Commissioner,
of Indian Affairs.

Sir:

The Acting Commissioner of Indian Affairs, under date of January 3, 1907, transmitted to this office a letter from W. D. Halfhill, attorney at law, Muskogee, Indian Territory, dated September 21, 1906, relative to the enrollment of Nelson McIntosh as a Creek citizen, also transmitting a communication from this office addressed to said Nelson McIntosh in reply to his request for information as to the status of his application for enrollment as a citizen of the Creek Nation. It was requested that said letters be filed with the original record in the case.

I have the honor to advise that said letters have been made a part of the record and that said record has been transmitted to the Department by current mail, together with state-

Refer in reply to the following:
Land 9081-1907.

COPY

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 19, 1907, transmitting the record relative to the application of Nelson McIntosh for enrollment as a citizen by blood of the Creek Nation.

On March 5, 1906, application was made to the Commissioner for the enrollment of Nelson McIntosh as a citizen by blood. On August 22, 1906, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that no application was made for the enrollment of the applicant as a citizen by blood of the Creek Nation within the time specified in Section 1 of the Act of April 26, 1906 (34 Stat. L. 137).

The decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

HRD-GH

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JP
JTB

LINE

I.T.D. 4880, 4890, 4904, 4900, 4902-97.
4944, 5002, 5166, 5202, 5220- "
5342, 5374, 5376, 5378, 5380- "
5396, 5398, 5400, 5402, 5404- "
5410, 5412, 5418, 5420, 5422- "
5466, 5468, 5472, 5474, - "

March 1, 1907.

D. C. 12430-1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Wade Walker,	December 19, 1906
Josiah McIntosh,	January 18, 1907
Tony Haylings,	January 18, 1907
George Allen, (Freedman)	January 22, 1907
Henry Edwards, (Freedman)	January 26, 1907
Lewis Davis, deceased,	January 28, 1907
Robert Scott, deceased,	October 19, 1906
Tom and Mattie Jeffries, deceased,	February 8, 1907
Russ Dodge, (Freedman)	February 8, 1907
Georgia Davis, deceased, (Freedman)	February 7, 1907
Thomas Maud Gibson,	February 7, 1907
Magie Nola Poe, (Freedman)	January 28, 1907
Nelson McIntosh,	January 19, 1907
Calley Conner, deceased,	January 28, 1907
Sarah Buck, deceased,	January 28, 1907
Willie Perryman, (Freedman)	January 28, 1907
Joshua Gentry et al.	January 26, 1907
Dennis Taylor, (Freedman)	January 22, 1907
Paul and Pauline Bruner,	January 28, 1907
Gennie Sanders, (Freedman)	January 28, 1907
Edie Levi, (Freedman)	January 26, 1907
Gabriel Hawkins, (Freedman)	January 28, 1907
Lottie Dickson, (Freedman)	January 22, 1907
Charles Tiger, deceased,	January 26, 1907
Herford Barnett, deceased,	January 28, 1907
Gobern Holt, (Freedman)	February 7, 1907
Marguerite Scott, deceased, (Freedman)	January 21, 1907.

Copies of Indian Office letters submitting your reports and
recommending that the decisions be approved, are inclosed.

A copy herewith and all the papers in the above mentioned
cases have been sent to the Indian Office.

Respectfully,

(Signed) Jennie E. Wilson,
Assistant Secretary.

27 inc. and 61 for Ind. Of.

JTB
1-1-07.

JWH

Gr. No. 1024

Muskogee, Indian Territory, March 9, 1907.

J. B. Campbell,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Nelson McIntosh as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr. No. 1034

JWR

Muskogee, Indian Territory, March 9, 1907.

Nelson McIntosh,

Muskogee, Indian Territory.

Dear Sir:--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for your enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1025

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, March 12, 1906.

In the matter of the alleged application for the
enrollment of Richard Hawkins et al., as Creek freedmen.

APPEARANCES: E. Hastain attorney for application
Merritt Eslick for W.L. Mott attorney for Creek Nation.

THOMAS HAWKINS, being duly sworn, testified as follows:

- Q What is your name? A Thomas Hawkins.
Q What is your age? A About fifty six.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What are you doing here now then? A To see if I can get my brother's rights; he is not here.
Q Did you come here to testify because he could not in the matter of an alleged application by him for enrollment? A Yes.
Q State what knowledge you have of his alleged application? A My reason as far as my knowledge runs is my brother has been here to this office and they wouldn't allow him to file unless he moved here immediately; he is an old man and he couldn't come right at once but he is coming.
Q Do you know that he appeared here? A Yes, sir; I appeared with him.
Q When? A Four years ago last August.
Q Where? Right in this building some place.
Q In this building? A On this block.
Q Don't you know whether it was the same house? A No it wasn't the same house; down on a lower floor.
Q If it was in this same place it must have been in this same building because this building has been here longer than that? A It was around on a lower floor.
Q On the ground floor of some building in this same spot? A Yes, sir.
Q Frame or brick building? A I can't remember what kind of a building but think brick.
Q Did you go before any official of the Hayes Commission? A Yes, sir.
Q Who? A I don't know any of them.
Q What kind of a looking man? A Mr. Hastain was working here then. I wasn't just saying that because he is my attorney but because he was working here.
Q Who went in first you or your brother? A Both went in together.
Q Who did the talking? A He did himself.
Q What did he say to Mr. Hastain?
Q He went in there and tried to file.
Q How do you know it? A Because that is what he went for.
Q What did he do? A He didn't do anything. They told him he was all right but he couldn't file on any land and live in Arkansas. I don't know how it is now.
Q Are you sure that Mr. Hastain or any other employe of the Commission understood that he went to make an application and told him he couldn't? A Yes, sir.
Q Did Mr. Hastain look up the Dawes Roll and find his name there? A I don't know.
Q Did not Mr. Hastain look it up but it was looked up.
Q Didn't take any testimony or affidavit did they? A No, sir.

Q Didn't take his name down? A No.

Q Did your brother tell them he wanted to make application for enrollment? A Yes, sir.

Q Are you sure of that? A Yes.

Q What year was that, you said four years ago in August, do you know what year it was? A No, sir.

Q Did you or your brother or any one else ever do any more in the matter? A No,; not until now.

Just went in with Mr. Hastain and talked about it? A Yes, sir.

Q Was your brother ever known by any other name? A No other name except Hawkins; they called him Dick or Richard.

ATTY. FOR APPLICANT.

Q Do you know what the reason was that your brother didn't file for himself at that time? A All the reason I know is the Commission told him he couldn't live in Arkansas and file on any land in the Territory. Told him he wouldn't allow him to live there and file on land if he was a fullblood Indian.

Q Is Richard Hawkins a full brother of yours? A Yes, sir.

Q What is the name of your father? A Hero.

Q Hero what? A Hero McIntosh.

Q Your mother? A Louisa Hawkins.

Q Are either of your parents living? A No, sir.

Q How long dead? A Been dead 25 years ago mother; father during the War.

Q How old is your brother Richard Hawkins? A About 70.

Q Is he living? A Yes. (Following by Commissioner.)

Q Where? A In Arkansas.

Q Where born? A Right here 12 miles across the river.

Q In what nation? A Creek Nation.

Q How long live there? A Until war started.

Q Then where? A North.

Q How long there? A Until war ended.

Q Then came to the Creek Nation? A Yes, sir.

Q Just at the close of the war? A Yes, sir.

Q Can you tell the year he returned? A I can't.

Q Before or after peace? A After peace he was mustered out of the army he was a soldier.

Q Do you know how long after peace he came back to the Creek Nation? A No, sir.

Q Do you know if he was here in 1866 or 1867? A Yes, I know he was here here all the while after the war until 10 or 15 years and then he went off again.

Q Where did he go then? A Arkansas, where he is now.

Q Been there ever since? A Yes, sir.

Q What is the name of the town where he lives? A Little Rock.

Q Live right in it? A No.

Q Is your name on the Dunn roll? A No.

Q Were you here when the Dunn roll was made? A No.

Q Was your brother Richard here when the Dunn roll was made? Yes.

Q How do you know he was here when the Dunn roll was made? A I know he was here. I came here shortly after and found him here and then his name is on the Dunn roll.

Q How do you know it? A I know it.

Q How do you know? A I have had it read to me.

Q Did you say this brother is on the way here? A Yes, just as quick as he can get here. He is an old man but he is coming.

Q To what Creek Indian town did Richard belong? A Arkansas.

Q Is that the same town you belong to? A Yes, sir.

Q Do you know if money was drawn for him? A Yes, sir.

Q Who drew it for him? A Me and Wiley McIntosh.

Q You say his name appears on the Dunn roll, do you know of any other name it appears under than Richard or Dick Hawkins? A I don't know whether it is under Dick or Richard Hawkins, one of these names.

Q Did you ever see it on there? A No but I have had it read to me ; I can't read.

Q Who read it to you? A Several men, Wiley McIntosh for one.

Q Anybody else besides Wiley McIntosh? A Yes, sir. Yes in the land office down there.

Q Mr. Hastain read it to you? A No, sir.

Q That day you and your brother went in there? A Yes, sir . My mother grand mother, sisters and brothers are on there.

The Dunn roll examined and no one by the name of Dick or Richard Hawkins or Dick or Richard Wero found thereon.

Reference is made to H.82, page 9 and to 28 and 30 of the 1890 roll.

ATTY. FOR APPLICANT.

Q Have you any brothers or sisters who have filed upon their allotments?

A Yes, sir have a brother.

Q What is his name? A Israel Hawkins. but he is dead. and a sister Pollie Sang0.

Q Has she filed? A Yes and Mitchell Wero a brother of mine.

Q Do you think their names appear altogether on the Dunn roll? A Mitchell is supposed to be Hawkins on the Dunn roll but they call him Wero like they do me.

Q Do you think your brother would be on the Dunn roll with these others? A Yes, sir.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this
14 day of March 1906.

J. M. DeWitt
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 21, 1907.

In the matter of the application for the enrollment
of Richard Hawkins as a Creek freedman.

APPEARANCES: E. Mastain, atty. for applicant.
Office of Creek attorney communicated with; being
informed that he was out this office after waiting some time
proceeded with the case.

THOMAS HAWKINS, being duly sworn by H. G. Hains,
notary public, testified as follows:

Q What is your name? A Thomas Hawkins.
Q What is your age? A Sixty five.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What was the name of your father? A Nere McIntosh.
Q You have testified before in this case? A Yes, sir.
Q Did you have a brother by the name of Richard Hawkins? A Yes
sir.
Q Is he living? A Yes, sir.
Q Where is he? A In Arkansas.
Q How long has he been there? A I couldn't tell you but a good
long while.
Q He has lived there years and years has he? A Yes, sir.
Q When did you hear from him last? A It has been a good while
about a year I think.
Q When you testified before you were asked this question by
your attorney: "Do you know what the reason was that your
brother didn't file for himself at that time (Referring to a
date mentioned earlier in the testimony)" All the reason I know
is the Commission told him he couldn't live in Arkansas and
file on any land in Indian Territory, told him they wouldn't
allow him to live there and file on land here if he was a
full blood Indian. Q. "Is Richard Hawkins a full brother of
yours? A Yes, sir. . . Q. How old is your brother Richard
Hawkins? A About seventy. Q Is he living? A Yes, sir. Q Where?
A In Arkansas. . . Q Do you know if he was here in 1866 or 7?
A Yes, I know he was here--here all the while after the war
until 10 or 15 years and then he went off again. Q Where did
he go then, where is he now? A Arkansas. Q Been there ever
since? A Yes, sir. . .
Q Earlier in your testimony you were asked this question: "
State what knowledge you have of his alleged application? A
My reason as far as my knowledge runs is my brother has been
here to this office and they wouldn't allow him to file unless
he moved here. He is an old man and he couldn't come right at
once but he is coming." Now that testimony of yours was taken
March 12, 1906, almost a year ago. Since that time he has never
moved from Arkansas has he? A No, sir.
Q Why did you say he was coming? A He said he was coming.
Q All you knew was what he said? A Yes, sir.

Q When did you hear from him last? A Been about 8 or 10 months I reckon.

Q Have you heard from him since you were in here and testified?

A No, sir.

Q Then you don't know whether he is living now or not? A I don't know.

Q If he had come from Arkansas you would have known it? A Yes if he had come here.

Q How did you know about a year ago when you were testifying here that he was coming, did he write to you? A Yes, sir.

Q Have you any of those letters with you? A No, sir.

Q As a matter of fact you don't know now whether he is coming or not? A No, sir I don't know.

Q How old is this Richard Hawkins, is he as old as you? A Older

Q In your testimony last year you stated that he was here in 66 or 67 and staid here about 10 or 15 years, is that true? A Yes sir.

Q Fifteen at the most, is that what you mean? A Yes, sir.

Q And then you say he went to Arkansas and never came back? A Yes, sir.

Q You are sure of that? A Yes, sir; he came back every year or two; he is a preacher and travels around.

By E. Hastain atty. for applicant.

Q In your testimony you stated in answer to the question Do you know if he was here in 66 or 67? "You replied: "A Yes I know he was here--here all the while after the War until 10 or 15 years and then he went off again." You mean 10 or 15 years after the war do you? A Yes, sir.

Q What did your brother do if you know, what was his business or occupation? A Preacher.

Q Did he draw the payments in 1890 and 1895? A Yes, sir. I drew it for him.

Q What town was he on? A Arkansas.

Q Has your brother Dick a wife? A Yes, sir.

Q What was her name? A I don't know.

Q Is she living in Arkansas with him? A Yes, sir.

Q Has he some children? A No, sir.

Q Do you know whether he owns his place in Arkansas? A No, sir.

The 1890 roll for Arkansas town examined and the name of the witness on page 40 appears as the head of a family under the name of Thomas Hero; immediately following is the name Dick Hawkins with the pencil notation opposite "B82 says in the states."

B.82 referred to on page 9 information given by various members of Arkansas town November 24, 1903 is as follows and appears to be answered by Wiley McIntosh--Dick Hawkins He sir he is in the States; he is in Arkansas. Q. How long has he been gone from the Territory? A He was here about a year ago. Q Did he come to make a visit? A He came to see about his enrollment and I went up there with him about it. He has been back here once. Q Do you know how long Dick has been living in Arkansas? A 20 years or so."

The Dunn roll examined and the name of Richard Hawkins Richard Hero or Dick Hawkins or Dick Hero not found thereon.

Q Was your mother living when the Dunn roll was made? A Yes, sir

Q Who is Israel Hawkins? A My brother

Q Louisa Hawkins? A That's my mother.

Q Lydia Hawkins? A My sister.

Q Harry? A My brother.

Q Rantie? A My brother.

Q Drossy? A My sister.

Q Mitchell? A My brother.

Q Polly? A Sister.

Q Buck? A My nephew.

Q Nellie Hawkins? A Grandmother.

Q The questions asked are from the original Dunn roll in which are found ten names in order beginning with Israel and ending with Nellie. Are any of those I called over the same as Richard or Dick? A No, sir.

Q Then you don't know any more now than you did last year?

A No, sir.

Q All you know is he hasn't come yet? A Yes, sir.

I, Anna Garrigue, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigue

Subscribed and sworn to before me this 23 day of February 1907

Edward Merrick
Notary Public.

Cr. En.
1025.

SAM
JWH

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Richard Hawkins as a Creek freedman.

D E C I S I O N.

The record in this case shows that on November 24, 1903, Wiley McIntosh, a Creek freedman, appeared before the Commission to the Five Civilized Tribes and testified "In the matter of accounting for those persons whose names appear on the Creek tribal rolls, who died prior to April 1, 1899, and are not shown on said rolls to have been otherwise accounted for," in which reference is made to Richard (or Dick) Hawkins (or Nere). The said testimony is herein considered as an original application for the enrollment of Richard Hawkins in order that the rights of the applicant may be protected. Further proceedings were had March 12, 1906, and February 21, 1907.

The evidence and the records in the possession of this office show that Richard Hawkins, Dick Hawkins and Richard Nere are one and the same person.

The evidence shows further that said applicant has not, in good faith, established a residence or made his home within the Creek Nation since the year 1867.

It is, therefore, ordered and adjudged that said Richard Hawkins is not entitled to enrollment as a Creek freedman, under the provisions of the Act of Congress approved June 28, 1898, (30 Stat., L. 492), or the Act of Congress approved March 1, 1901, (31 Stat. L., 861), and the application for his enrollment as such is accordingly denied.

COMMISSIONER.

Muskogee, Indian Territory,

Cr. No.
1025.

SAM
JWH

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Richard Hawkins as a Creek freedman.

DECISION.

The record in this case shows that on November 24, 1903, Wiley McIntosh, a Creek freedman, appeared before the Commission to the Five Civilized Tribes and testified "in the matter of accounting for those persons whose names appear on the Creek tribal rolls, who died prior to April 1, 1899, and are not shown on said rolls to have been otherwise accounted for," in which reference is made to Richard (or Dick) Hawkins (or Nere). The said testimony is herein considered as an original application for the enrollment of Richard Hawkins in order that the rights of the applicant may be protected. Further proceedings were had March 12, 1906, and February 21, 1907.

The evidence and the records in the possession of this office show that Richard Hawkins, Dick Hawkins and Richard Nere are one and the same person.

The evidence shows further that said applicant has not, in good faith, established a residence or made his home within the Creek Nation since the year 1867.

It is, therefore, ordered and adjudged that said Richard Hawkins is not entitled to enrollment as a Creek freedman, under the provisions of the Act of Congress approved June 28, 1898, (30 Stat. L., 495), or the Act of Congress approved March 1, 1901, (31 Stat. L., 861), and the application for his enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 25 1907

Cr.En.1025.

Muskegee, Indian Territory, February 25, 1907.

M. L. Mett,

Attorney for Creek Nation,

Muskegee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Richard Hawkins, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IM-32.

Cr. En. 1085.

Muskogee, Indian Territory, February 28, 1907.

E. Mastain,

Attorney for Richard Hawkins,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Richard Hawkins, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

DM- 33.

Cr. No. 1098.

Muskogee, Indian Territory, February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Richard Hawkins, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM- 34.

Through the Commissioner
of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING:

Gr. No. 1025.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskegee, Indian Territory, February 25, 1907.

Thomas Hawkins,
General Delivery,
Muskegee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your brother, Richard Hawkins, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Register.
LM-31.

Commissioner.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

Land
20948-1907.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby dated February 25, 1907, relative to the application for the enrollment of Richard Hawkins, as a Creek freedman, including the decision of the Commissioner of February 25, 1907, denying the application .

The office has examined the record ⁱⁿ ~~and~~ this case and finds the conclusions of the Commissioner to be correct, and his decision denying the application is recommended for approval.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

AJW-EH

RJH JP

DEPARTMENT OF THE INTERIOR
WASHINGTON.

I.T.D. 8940, 6120, 7254, 7342, 7352, -1907.
7398, 7310, 7324, 7334, 7342, 7352,
7396, 7398, 7400, 7402, 7404, 7416,
7430, 7432, 7434, 7436, 7438, 7440, 7442,
7444, 7446, 7448, 7450, 7452, 7454, 7456,
7458, 7460, 7462, 7464, 7466, 7468, 7470, 7472,
7474, 7476, 7478, 7480, 7482, 7484, 7486, 7488,
7490, 7492, 7494, 7496, 7498, 7500, 7502, 7504,
7506, 7508, 7510, 7512, 7514, 7516, 7518, 7520,
7522, 7524, -1907.

March 4, 1907.

LRS

DIRECT,

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.

Date of your letter of transmittal.

Annie Davis, et al., (Freedman)	February 8, 1907.
Martha Monika Davidson,	February 9, 1907
William Perryman,	February 18, 1907
Isabel Mico,	February 16, 1907
Kissie, (deceased)	February 16, 1907
Mary Perryman, (deceased),	February 18, 1907
James Larney (deceased),	February 20, 1907
Genetta and Isabell Rontie, (freedmen),	February 20, 1907
Snake,	February 20, 1907
James F. Pendleton (deceased)	February 21, 1907
Lilly Valentine, et al., (freedmen)	February 20, 1907
Frank Jackson, (deceased), (Freedman),	February 19, 1907
Rose Blanton, (freedman),	February 20, 1907
Lola Love, (freedman),	February 18, 1907.
Dora Lee and Savanna E. Castle (freedmen)	February 19, 1907
James Deere, et al.,	February 2, 1907
Charley Kernell,	February 2, 1907
Willard Smith (freed man)	February 16, 1907
Lila Jefferson (freedman)	February 16, 1907
Bertha Anderson (freedman)	February 16, 1907
Katie Smith, deceased (freedmen)	February 2, 1907
Lucy Grayson, deceased,	February 23, 1907
Ballison Maynie,	February 23, 1907.
Leah Thompson, deceased,	February 23, 1907
Hollie Graham, (Freedman)	February 20, 1907.

Elmore (or Melita Red)
William Bennett (freeman)
George V Bird, deceased,
Joseph H. Wheeler (freeman), deceased,
Charles G. Galt, deceased,
William and Miss Parker,
Richard Perkins, (freeman)
Vyley Steele, deceased,
Jennie Richards, deceased (freeman)
William Howell, alias W. McElhara, (freeman)

February 23, 1907
February 19, 1907
February 2, 1907
February 25, 1907
February 21, 1907
February 25, 1907
February 25, 1907
February 25, 1907
February 25, 1907
February 25, 1907

A copy heretofore and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

E. A. Kibbech,

Secretary.

35 inc. and 70 for Ind.
25. with copy heretof.

Gr.No.1020

Washoe, Indian Territory, March 14, 1907.

Thomas Hawkins,

General Delivery.

Washoe, Indian Territory.

Dear Sir:--

You are hereby advised that under date of March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your brother, Richard Hawkins, as a Creek freedman.

Respectfully,

Commissioner.

Gr.No. 1088

JWH

Muskogee, Indian Territory, March 24, 1907.

B. Hartman,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir :--

You are hereby advised that under date of March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Richard Hawkins, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1026

CR EN 1026

5

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 31, 1906.

In the matter of the alleged application for the enrollment of Eva Bruner as a Creek freedman.

NATILDA BELL, being duly sworn, testified as follows:

- Q What is your name? A Natilda Bell.
Q What is your age? A Thirty one.
Q What is your post office address? A Bufaula.
Q How long have you lived at Bufaula? A I have been there seven years.
Q Are you sure of that? A Yes, sir.
Q Are you a citizen of the Creek Nation? A No, sir.
Q A citizen of any of the Five Tribes? A No, sir.
Q State woman? A Yes, sir.
Q Do you know this girl Eva Bruner? A Yes, sir.
Q Is she your daughter? A Yes, sir.
Q Were you married to her father? A Yes, sir.
Q How long were you married to her father? A I lived with him eight years.
Q Did you live with him up to the time of his death? A No, sir I have been away from him eight years.
Q At the time he died you had been away from him eight years? A No, sir I was only away from him five years at the time he died.
Q Do you know if any application was attempted to be made for the enrollment of Eva Bruner as a citizen of the Creek Nation? A Yes, we came in here and made application.
Q Who came? A Me and Charles Bruner.
Q Was that the name of your husband? A Yes, sir.
Q Name of the father of Eva? A Yes, sir.
Q How long has he been dead? A Four years.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q What was the name of Charles' father? A I don't know his father.
Q What was the name of his mother? Chlora.
Q Did he have another wife, A Yes, sir.
Q What was her name? A Sibbie.
Q Do you know her name before she married him? A Sibbie Jacobs.
Q Had they a child? A No, sir they didn't have any children. She had one before they were married.
Q What was its name? A Fannie.
Q Is Sibbie living? A I don't know.
Q Was Sibbie his wife at the time of his death? A Yes, sir.
Q Were you his wife before Sibbie was? A Yes, sir.
Q Then Sibbie took him right after you? A Yes, sir.
Q Have you a marriage license? A No, sir, he had it. I don't know what he did with it.
Q Where were you married to him? A In the Cherokee Nation.
Q What courthouse would have your marriage license? A In Oswego.
Q You should produce that marriage license; get a copy and bring it here.
Q When did you get that marriage license? A I don't know what year.
Q How many years ago? A I was only 14 when I married.
Q Did you get it before or after Eva was born? A Before.
Q How long before? A About a year.
Q You say that you and Charles came somewhere and attempted to make application did any one else come out you two? A No, sir.
Q To whom did you go? A I don't know the names of the men. We came and put in the application and the man wasn't in and we had to go back. Dixy was the one wasn't in.

Q And you went back without doing anything? A Yes, sir.
Q And that is all you did? A Yes, sir at the time he filed on a piece of his land; 40 acres.
Q And you claim the main man wasn't in and you went back without doing anything? A We didn't do anything no more than put it in.
Q What did you do? A He started it .
Q How did he start it? A He wrote out some papers and told me to come back when Mr. Bixby was in.
Q How long ago was this? A As near as I can tell about five or six years ago when the land office first opened up here.
Q Was it the first time Charles Bruner ever came in to file? A No, sir he had done filed part of his land.
Q Was he living with Sibbie at that time? A Yes, sir.
Q And still you came in with him? A Yes, sir.
Q Was Sibbie's child Fannie born at that time? A Yes, sir.
Q Just tell as near as you can what you and Charles said and what that other man said; just what was done? A Well we came in and he asked me was I the mother of the child and I told him Yes.
Q Who asked you that? A The clerk asked me that.
Q What did he ask you that for? A He was swearing me. I was sworn.
Q Are you sure of that? A Yes, sir
Q What was the first question he asked you after he swore you? A I disremember the question.
Q What was the second question? A He didn't tell me anything only that we would have to come back in again.
Q And he swore you just to tell you that? A Yes, sir.
Q He didn't ask you any question or tell you anything except that you had to come back in again? A Yes, sir
Q Did he swear Charles too? A Yes, sir.
Q And did Charles say any more than that? A No, only that I was the child's mother and that was all the child he had.
Q And just to tell that little bit you were both sworn? A Yes, sir
Q Who swore you? A I don't know the man's name .
Q Where was this place you went to? A In Muskogee.
Q Was it in this building? A No, sir
Q Where was this other building? A Over on the corner; when the land office was run down stairs.
Q What corner? A Over on the other side of the street; (Pointing south from this building).
Q Was it on the west side of 2nd street or on the east side of 2nd street? A I don't know which side. It was a building right on the corner that's all I know.
Q And nobody went but you and Charles? A That's all.
Q And all either of you said was you were the mother of the child and that was the only child you had? A Yes, sir.
Q And they swore you to that? A Yes, sir.
Q And that is all you said? A Yes, sir.
Q Was there a shorthand writer putting it down like we are today? A No
Q Did you sign any affidavit or anything like that? A No, sir he just asked me these questions.
Q He asked you one question and that was were you the mother of the child? A Yes, sir
Q And just asked Charles one question ? A Yes, sir
Q What was that question? A Was I the mother of that child
Q Didn't tell him how old the child was? A Yes, sir
Q Why didn't you tell that before; you just said all he asked you was whether you were the mother of the child. They didn't ask how old that child was did they? A They asked her father.
Q You just said a minute ago they asked the father one question and that was if you were the mother and how can you tell us now they asked how old she was? A It has been so long I have forgotten.
Q Did they ask you or him was that child living? A No, sir
Q And they didn't ask you how old it was did they? A Yes, sir they asked him how old it was.
Q They didn't ask you whether you were a citizen of the Creek Nation? A No, sir

Q They only asked you one question? A Yes, sir.
Q And they only asked him one question? A No more than the question that I have told you.
Q Now just tell me what questions they asked him? A They asked him was I the mother of the child and he told them I was and that was the only child he had.
Q Is that all that was said between that man and Charlie? A And he asked the age of the child.
Q But didn't ask if the child was living? A No, sir.
Q Didn't ask your post office address? A He didn't ask.
Q Didn't ask him? A No, sir did not.
Q Didn't ask if Charlie was a citizen of the Creek Nation? A No, sir they didn't ask.
Q They didn't ask if you were a citizen of the Creek Nation? A No, sir.
Q How old is Eva now? A She is 18.
Q When was she 18? A 26th of December.
Q She wasn't with you and Charles? A No, sir.
Q Did they ask if you and Charles were married? A No, sir.
Q Are you sure Eva was 18 last December? A Yes, sir.
Q You are positive of that? A Yes, sir.
Q You are sure you are 31? A Yes, sir.
Q You are sure you were married at 14? A Yes, sir.
Q Your marriage license will show that? A Yes, sir.
Q Do you know what day and month in the year Charles died? A No, sir.
Q But you think about four years ago? A Yes, sir, I think so that was the last time I saw him.
Q Neither he nor you ever did anything else but come to a brick building across the street and be asked one question and give one answer? A That was all.
Q That is all you ever did until today? A Yes, sir.
Q And this girl wasn't with you at that time? A No, sir.
Q And she doesn't know anything about it from her own knowledge? No.
Q Does she by hearsay? A No, sir.
Q And you haven't any witness at all? A No, sir no more than the witness I was ~~there~~.
Q Have you that witness with you? A Yes, sir.
Q Who? A Mr. Gibson.
Q If you had the marriage license that would be better wouldn't it? A Yes, sir.
Q You were married to Charles at the time you had that child? A Yes.
Q You were married about a year before the child was born? A Yes, sir.
Q How long? Yes it was just about a year before the child was born according to my recollection.

Witness states that her witness Ab Gibson has left.

Q And Eva Bruner didn't know a thing about any application? A No, sir.
Q Not even by hearsay? A No, sir.
Q You never told her you made any application? A No, sir.
Q And Charles never told her he had made an application? A Not as I know of.
Q How did you come to make up your mind to tell her today and come up here with her? A I have been going to come up for some time.
Q For six years? A No, sir not six.
Q It is about six years ago you claim you made that? A Yes, sir.
Q Did you think it took six years for Mr. Birby to get back? A No, sir I was waiting for her father to come back.
Q You stated her father was dead four years? A Yes, four years since I saw him last.
Q When were you married? A I don't know.
Q How long did you live with Charles after you married him? A About eight years to my recollection.
Q And only had one child? A Yes, sir.

EVA BRUNER, being duly sworn, testified as follows:

- Q What is your name? A Eva Bruner.
Q What is your age? A Eighteen.
Q When were you eighteen? A 26th day last past December.
Q What was the name of your father? A Charlie Bruner.
Q How do you know that? A Because I know.
Q Did you ever see him? A Yes, sir.
Q When did you see him last? A Been four falls ago.
Q Where did you see him then? A Eufaula.
Q How long had you been with him before that? A All my life I suppose.
Q Had you seen him around Eufaula all the time? A No, sir he was living across by Arkansas river.
Q Did you live with him from the time you were born until four falls ago? A No, sir.
Q How can you say then you were with him all the time? A I was with him until about six falls ago.
Q Were you with him when you were born? A I couldn't tell that.
Q How old were you when you first remember not being with him? A I was big enough to know when he left me.
Q How old were you then? A I was eight years old.
Q Then you never lived with him until he died? A No, sir.
Q But you saw him four falls ago? A Yes, sir he came to see me four falls ago.
Q At Eufaula? A Yes, sir.
Q Is he dead? A That's the inquest that he is dead.
Q What do you mean by that? A They can't find any hearings from me.
Q Do you know anything about any application or attempted application for your enrollment? A Yes, sir.
Q When did you first learn anything about that, today? A No, sir.
Q When was the first time you heard about it? A About six years ago.
Q Six years ago, who told you? A My father.
Q You just said you left him when you were eight years old and that you didn't see him again until four years ago. A little while ago you said you left Charles when you were eight and never saw him again until four falls ago? A That was the last time I saw him.
Q You said you left him when you were eight and didn't see him until four falls ago? A You asked me when was the last time I saw him.
Q From the time you left him at eight did you see him any more until four years ago? A Yes, sir.
Q How many times in between? A Only once.
Q Where was that? A Here at Muskogee my mother brought me up here.
Q What did he tell you at that time about the attempted application? A He wasn't telling me anything anymore than I heard him talking about to my mother.
Q Did your mother ever tell you anything about the attempted application for your enrollment? A My mother told me that. She told me that all the time.
Q Did she tell you that as much as five years ago? A Yes, sir.
Q Four? A Yes, sir.
Q Three? A Yes, sir.
Q And every year up to the present? A Yes, sir.
Q Right along? A Yes, sir.
Q Your mother just said she never said a word to you about it? A She said I was enrolled.
Q All she ever told you or ever heard her tell Charles was you were enrolled? A Yes, sir.
Q Q Didn't tell you how or when they tried to have you enrolled? No

MATILDA BRILL, Recalled.

- Q Did n't you say a minute ago that you never told your daughter anything about that attempted application? A I never told her anything
- Q Never told her anything last year? A No, sir.
- Q Nor the year before? A No, sir.
- Q Nor three, or four or five years ago? A No, sir never told her anything but her father may have.
- Q You yourself never told her anything? A No, sir.
- Q You are sure of that? A Yes, sir.
- Q That you never told Eva anything about it how does it come that you and she came up here today to talk about it? A She was going by her father.
- Q She just told that you had told her? A I didn't
- Q Never did tell her? A No, sir.
- Q Didn't you tell her today? A Today but not before.
- Q Never talked to her about it? A No, sir.
- Q Never told her she was enrolled or anything about her rights in the Creek Nation? A No, sir
- Q Which one of you is telling the truth? A I know I am bound to and she is not thinking ; I never told her anything.
- Q How does your name come to be Matilda Bell? A I married John Bell.
- Q Did you marry him before Charles died? A No, sir
- Q How long have you been married to Bell? A Two years
- Q Is this girl Eva living with you? A Yes, sir.
- Q He don't know anything about this attempted application? A No, sir
- Q He don't know whether Charlie was the father of this child? A No, sir
- Q Is he a state man? A citizen of the Cherokee Nation.
- Q You don't claim any rights in the Cherokee Nation do you? A No, sir
- Q Do you know a renter of Charles about the time he first filed? A No, sir.
- Q Didn't know whether he had his house rented or not? A No, sir
- Q Did you ever hear of Dan Curley? A No, sir.

Reference is made to the testimony taken in the land office at the time of the original filing June 5, 1899 by Charles Bruner in which he states that he rented the house on his place to Dan Curley. The records of the land office further show that on September 18, 1899 a further selection of land in the Creek Nation was made by Charles Bruner/. The records also show that another selection of land was made by said Charles Bruner April 10, 1900

- Q Did Charles Bruner ever have any other children besides Eva? A No
- Q Never heard of him having any other? A No, sir.
- Q It is shown from the records of the land office that June 5, 1899 said Charles Bruner selected 40 acres, September 18, 1899 he selected 80 acres and April 10, 1900 selected 40 acres.
- Q You don't know what time it was that you claim you and Charles had that short conversation? A It was the time he filed on the 40 at Eufaula.
- Q Were you living on his allotment? A Yes, sir. I was living on it and living on it now.
- Q Living in the house on it? A Yes, sir
- Q Which filing was that the first, second or third? A I don't know

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 2 day of April 1906.

Anna Garrigues
J. M. McDowell
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
AUGUST 13, 1906.

In the matter of the alleged application for the enrollment of Eva Bruner, as a Creek Freedman.

APPEARANCES: F.F. Crosby, attorney for alleged applicant.
J.G. Lieber, acting for M.L. Mott, attorney for Creek Nation.

Matilda Bell, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Matilda Bell.
Q: You have testified before in this matter have you?
A: Yes sir.
Q: Did you ever submit any petition or write any letters to the Secretary of the Interior with regard to the citizenship of Eva Bruner, your child, in the Creek Nation?
A: No sir, I never did.
Q: Do you know if any-one else ever wrote any letters or petition to the Secretary of the Interior about the matter?
A: No sir, I don't know.
Q: You are the one who made the application for Eva Bruner, are you not? A: My application? This last time? I came here in March.
Q: Did you come here in March of this year? A: Yes sir.
Q: Do you know if anyone else---or did you ever write any letters prior to December 1, 1905 to this office, to the Commission or the Commissioner about this matter?
A: No sir.
Q: Not any letters of any kind? A: No sir.
Q: Have you ever taken any steps prior to March 31, 1906 of any character to procure her enrollment as a citizen of the Creek Nation? A: Yes sir.
Q: When? A: It was in 1800.
Q: Do you mean to refer to that attempt you spoke of in the testimony you gave before? A: Yes sir.

(Commissioner states that the above testimony is to be filed)

Questions by F.F. Crosby, attorney for applicant.

- Q: What date was it that you appeared before the Commission with Charles Bruner to make enrollment for this child? What year? A: In 1900.
Q: Had Eva Bruner been recognized as a citizen of the Creek Nation prior to that time?

Counsel for Creek Nation objects to any further evidence being introduced in this case until it is first shown that the records in charge of the Commissioner to the Five Civilized Tribes show that the applicant for enrollment was made prior to December 1, 1906.

Statement by Commissioner:

An examination of the records of this office fail to show that any application was made for the enrollment of Eva Bruner as a citizen of the Creek Nation, prior to December 1, 1905.

Statement by Creek Attorney; representing Creek Nation.

In view of the statement of the Commissioner, the attorney for the Creek Nation asks that this proceeding be dismissed.

(Examination continued)

Questions by F.F.Cresby, attorney for alleged applicant.

Q: Did you or did you not make application at the time you appeared in 1900? A: Yes sir.

Counsel for Creek Nation objects because the records of the Commission are the best evidence.

Q: What was your object in coming up here in 1900 with Charles Bruner? A: He sent for me to come up so he could file for the child.

Q: What did you do when you got here? A: Well we didn't do anything only he went along to see Mr. Bixby and he wasn't in.

Q: Well did you file? A: He filed on one piece for himself.

Q: Why didn't he file for Eva? A: Because Mr. Bixby wasn't in.

Q: Was that the only reason? A: That is the only reason I know of.

Q: Did you or did you not on that day make application to enroll your daughter? A: I don't know, he didn't say whether he made any application to enroll her or not.

Q: Was any of your testimony taken? A: None from me.

Q: Was your father Charles Bruner sworn, were any questions asked him in regard to your daughter? A: No sir, not on that day.

Q: When you returned home was the matter discussed with your father? A: No more than the reasons that I told him why I didn't file for her.

Jake Buford, being first duly sworn, testified as follows:

Questions by Commissioner:

Q: What is your name? A: Jake Buford.

Q: How old are you? A: About 75 I guess.

Q: What is your post-office address? A: Bufaula.

Questions by F.F.Cresby, attorney for alleged applicant:

Q: What relation if any are you to Matilda Bell? A: She is my daughter.

- Q: Did you know Charles Bruner in his lifetime? A: Yes sir.
Q: What relation was he to your daughter? A: She was his wife.
Q: Did they have any children? A: They had one, but one, this Eva.
Q: Is she a citizen of the Creek Nation? A: Yes sir.
Q: Is she enrolled do you know? A: I came here to enroll her and that time the man wasn't in I knew I came up here to have her put on the roll. There was a man come up here to put her on the roll and he was out.
Q: What year was that? A: I couldn't tell you.
Q: About how long ago was it? A: I really couldn't tell you
Q: Was it 10 years ago or 5 years ago or 1 year ago?
A: About 7 or 8 years ago.
Q: Who came up here to make the application?
A: She came up here at that time, I couldn't say when it was.
Q: Who came? A: Matilda came up here.
Q: Did you come with her? A: No sir, I didn't come.
Q: Did she tell you after returning home that she had made application? A: Yes sir.

Commissioner objects to hearsay evidence.

Questions by John G. Leber, acting for M. L. Mett, attorney for Creek Nation.

- Q: Do you know anything of this alleged application except what was told to you by Matilda? A: No sir, I don't know anything about it, I know she came up here to enroll and the man wasn't in at that time.
Q: You don't know that she ever got here do you, that is of your own knowledge? A: No, I knew she came here.
Q: You know she started here? A: Yes sir.
Q: When she came back, you know she said she had been here?
A: Yes sir.
Q: You, of your own knowledge don't know that she actually got here? A: No sir, only what she said.
Q: You didn't see her up here did you? A: No sir, I didn't see her up here.

This is all the evidence taken in said cause at this time.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval

Subscribed and sworn to before
me this 31 day of August, 1906.

J. M. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Eva Bruner as a Creek freedman.

DECISION.

The record in this case shows that on March 31, 1906, Eva Bruner appeared at this office and submitted testimony in the matter of her alleged application for enrollment as a Creek freedman, which action is considered as a continuing application for her enrollment as such, under the provisions of Section 2, of the Act of Congress approved April 26, 1906, (34 Stats. 137). Further proceedings were had on August 13, 1906. The affidavit of Matilda Bell, in the matter of her marriage to Charles Bruner, and the certificate of Samuel Bowman, Judge of the Probate Court of Labette County, Kansas, relative to the same matter are attached to and made a part of the record herein.

Although it is claimed that an application was made or attempted to be made for the enrollment of the applicant herein about the time of the opening of the Creek Land Office, namely April 1, 1899, a careful examination of the records in the possession of this office fails to show that any application was ever made for the enrollment of said Eva Bruner as a Creek citizen or freedman prior to March 31, 1906.

It appears from the weight of the evidence and the records in the possession of this office that Eva Bruner is the child of Charles Bruner, a duly enrolled citizen of the Creek Nation, whose name appears on a partial schedule of Creek freedmen approved by the Secretary of the Interior, March 28, 1902, opposite number 3737, and Matilda Bell, a non citizen; that she was born in lawful wedlock and was an adult on March 4, 1906.

The Act of Congress approved April 26, 1906 (34 Stats. 137) provides in part as follows:

That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled.

It is, therefore, ordered and adjudged that the applicant, Eva Bruner, is not entitled to be enrolled as a Creek freedman under the provisions of the above quoted Act of Congress and her application for enrollment as such is accordingly denied.

Cr.Mn. 1026.

Muskogee, Indian Territory, July 23, 1906.

T. F. Crosby,

Muskogee, Indian Territory.

Dear Sir:

In compliance with your request of July 16, 1906, you are advised that the matter of the application for the enrollment of Eva Bruner, as a Creek Freedman, will be held open for thirty days in order to allow you an opportunity to introduce further evidence.

Respectfully,

Commissioner.

Cr. No. 1026.

Muskogee, Indian Territory, February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Eva Bruner, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM-259.

Through the Commissioner
of Indian Affairs.

Cr. No. 1028.

Muskogee, Indian Territory, February 18, 1907.

Matilda Bell,

Bufaula, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Eva Bruner, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM-238.

Cr.En.1026.

Muskogee, Indian Territory, February 13, 1907.

M. L. Hett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Eva Bruner, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-240.

Refer in reply to the following:
Land 16031-1907.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Eva Bruner as a Creek freedman, including the decision of the Commissioner to the Five Civilized Tribes dated February 7, 1907, adverse to the applicant.

The record shows that on March 31, 1906, Eva Bruner appeared at the office of the Commissioner to the Five Civilized Tribes and submitted testimony in the matter of her alleged application for enrollment as a Creek freedman. Although it is claimed that an application was made or attempted to be made for the enrollment of the applicant herein about the time of the opening of the Creek Land Office on April 1, 1899, Commissioner Bixby reports that the records of his office do not show that any application was ever made for the enrollment of Eva Bruner as a Creek citizen or freedman prior to March 31, 1906.

The weight of evidence shows that Eva Bruner is the child of Charles Bruner, a duly enrolled citizen of the Creek Nation, and Matilda Bell, a non-citizen; that she was born in lawful wedlock and was an adult on March 4, 1905.

7

-2-

Therefore, by reason of the provisions of the Act of
April 20, 1906 (34 Stat. L. 157), the office concurs in the
decision of Commissioner Sixby denying the enrollment of Eva
Bruner as a Creek freedman.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

HEM:Ph.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
S.P.

I.T.D.
6210, 6606, 6816, 6608, 6728-1907.
6744, 6748, 6750, 6752, 6762 -
6784, 6808, 6806, 6810, 6854 -
6860, 6876, 7014 -

March 2, 1907.

LR

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship
cases adverse to the applicants are hereby affirmed.
Copies of Indian Office letters submitting your reports
and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal
Isacarel Grayson (freedman)	February 18, 1907.
Rosa Grayson (freedman)	February 7, 1907.
Eva Bruner (freedman)	February 18, 1907.
Oliver Elliott	February 16, 1907.
Florence M. Coker,	February 16, 1907.
Jehmy Potter (freedman)	February 16, 1907.
William H. Hardridge (deceased)	February 16, 1907.
Theodore Hawkins (freedman)	February 16, 1907.
Amy Franklin et al (freedman) (deceased)	February 16, 1907.
Jennie Myers (freedman)	February 13, 1907.
Alfred Mayfield (deceased)	February 14, 1907.
Alice McGeelley (freedman)	February 18, 1907.
Battie Scott (freedman) (deceased)	February 14, 1907.
Lurie McKinnan	February 14, 1907.
Washington McIntosh (freedman) (deceased)	February 23, 1907.
Roman Johnson et al.	February 23, 1907.
Spencer Thoms et al (freedman)	February 23, 1907.
Number Lowe (deceased)	February 23, 1907.

A copy herewith and the papers in the above mentioned
cases have been sent to the Indian Office for its files.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

18 inc. and
36 to Ind. Of.

APR
5-1907.

Gr.Bn.1026.

Muskogee, Indian Territory, March 14, 1907.

Matilda Bell,

Eufaula, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your child, Eva Bruner, as a Creek Freedman.

Respectfully,

Commissioner.

LM

Gr.En. 1026.

Muskogee, Indian Territory, March 14, 1907.

T.F.Grosby,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Eva Bruner, as a Creek Freedman/

Respectfully,

Commissioner.

IM

CR EN 1027

CR EN 1027

Enrollment 36
Case
- 1027

Department of the Interior,
RECEIVED
JAN 29 1902
Enc. No. 2 of No. 573
Indian Territory Division.

DEPARTMENT OF THE INTERIOR.
APR 7 - 1906
Returned with No. 5844
Inclosure 4 IND. T.T. DIV.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 30th, 1900.

In the matter of the application of Jennie Johnson and her three children, Mary F., Jennie B., and Walter A., for enrollment as citizens of the Creek Nation.

JENNIE JOHNSON, being sworn, testified as follows:

(By the Commission)

Q What is your name? A Jennie Johnson.

Q What is your age? A Thirty-two.

Q What is your post office address? A Mounds, I. T.

Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.

Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes sir.

Q Does your name and that of any of your children appear upon the tribal rolls of the Creek Nation? A Yes sir.

The authenticated 1890 roll of Broken Arrow town being examined, the names of Jennie Johnson and Fannie Johnson were found thereon, on page 224.

Q Does your name appear upon the 1895 tribal roll of the Creek Nation? A In 1895, when the \$14.40 payment was made, my name was rejected by the Creek Nation.

The 1895 pay roll, Broken Arrow town being examined, the name of Jennie Johnson or any of her children were not found thereon.

Q Were you admitted by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation, under the act of Congress, approved June 10th, 1896? A I have been told that I was not admitted.

Record of persons admitted to citizenship as citizens of the Creek Nation by the Commission to the Five Civilized Tribes examined, and the names of Jennie Johnson and her three children, Mary F., Jennie B., and Walter A., were not found thereon.

Q Did you ever apply to what was known as the Colbert Citizenship Commission of the Creek Nation, for enrollment as a citizen thereof, under an act of the Creek Council, approved May 30th, 1895?

A Yes sir.

Q Did you ever have a hearing or submit any testimony before the Colbert citizenship Commission, in the matter of the application for your reinstatement as a citizen of the Creek Nation? A No sir.

Q Did you ever receive any notice from the Colbert Commission, as to the action it had taken upon your application? A No sir.

Record 1 of the proceedings of the Colbert Citizenship Commission being fully examined, the application of Jennie Johnson and that of her children for reinstatement as citizens of the Creek Nation, was found on page 273. Said record being further examined no record was found thereon, showing that any action was ever taken in the matter of the application of Jennie Johnson, for reinstatement as a citizen of the Creek Nation.

#2.

- Q Were you ever admitted by the United States Court for the Indian Territory, upon an appeal from the decision of the Tribal authorities of the Creek Nation or from the Decision of the Commission to the Five Civilized Tribes as a citizen of the Creek Nation, under the act of June 10, 1896? A No sir, not that I know of.
- Q You applied to the Dawes Commission for admission did you not?
- A Yes sir.
- Q You were refused admission to the citizenship by the Dawes Commission? A Yes, I was told I was refused or rejected; of course I couldn't say; I wasn't there.
- Q You then took an appeal to the United States Supreme Court?
- A Yes sir.

Upon examination of the Creek cases submitted to the Commission to the Five Civilized Tribes for admission to citizenship of the Creek Nation, under the provisions of an act of Congress of June 10, 1896, a notice of appeal from the decision of the Commission to the Five Civilized Tribes, rejecting the application of Jennie Johnson, dated Dec. 26, 1896 was found in the file of Creek Case, #166. Said appeal of Jennie Johnson et al for admission as citizens of the Creek Nation was taken to the United States District Court and a judgment was rendered by United States District Judge, Wm. M. Springer, which reads in part as follows: "Judgment of the United States Commission rejecting these claimants is affirmed, and their application to be enrolled as citizens of the Creek Nation is denied". For full copy of judgment rendered by Judge Springer in this case, see letter press copy of Creek citizenship judgments with general opinion rendered by Judge Springer, page 277.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your ~~four~~ minor children, ~~Mary E. Johnson, Jennie R. and Walter A. Johnson~~, as citizens by blood of the Creek Nation mailed to you at your proper post office address. The Commission will transmit such memoranda of this application as has been taken at this time, together with a copy of its decision in regard to your application for the enrollment of your minor children, to the Honorable Secretary of the Interior, when the final rolls of the citizens of the Creek Nation are sent to him for consideration and approval.

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E. Hastain, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above case and that the foregoing is a true, full and correct transcript of his stenographic notes taken in said case.

E. Hastain

Subscribed and sworn to before me this 13 day
of August, 1900 at Muskogee, Indian Territory.

Sept

Acting Chairman.

167

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, April 26th, 1901.

In the matter of the application of Jennie Johnson, for the enrollment of herself and her four minor children, Clarence, Fanny, Jennie Belle and Walter Johnson as citizens of the Creek Nation. Jennie Johnson being duly sworn testified as follows:

Examination by the Commission.

- Q As a citizen of what Nation do you desire to make application for enrollment? A Creek.
- Q What is your name? A Jennie Johnson.
- Q How old are you? A Thirty-three.
- Q What is your post office address? A Mounds, Creek Nation.
- Q What are the names and ages of the children for whom you also make application? A Clarence Johnson, age 16; Fanny Johnson, 14, Jennie Belle 8 years old and Walter Johnson 6.
- Q Are all of these children living at the present time?
- A No sir.
- Q State which one of these children are deceased? A Clarence.
- Q When did Clarence die? A February 19th, 1900.
- Q Are the other three children living at the present time?
- A Yes sir.
- Q What is your father's name? A Eli Posey.
- Q Is he living? A No sir.
- Q Was he a recognized citizen of the Creek Nation and enrolled as such by the tribal authorities of the Creek Nation? A Yes sir.
- Q When did he die? A Well, I don't remember what year, its been sometime ago though.
- Q State about how many years ago? A Its been about 23 or 4 years ago.
- Q What is your mother's name? A Mary Posey, nee Neale.
- Q Was she a recognized citizen of the Creek Nation? A No sir.
- Q Have you and your children ever been enrolled by the tribal authorities of the Creek Nation? A Yes sir.

The 1890 Authenticated Creek roll examined and the names of Jennie Johnson, Cleran Johnson and Fanny Johnson are found thereon at page 224.

- Q What town in the Creek Nation do you claim to be a member?
- A Broken Arrow Town.

The pay-roll of Broken Arrow Town for the year 1895 examined and the names of the applicants not found thereon.

- Q Was your name or the names of your children ever stricken from the Creek rolls by the Creek tribal authorities?
- A I don't know I can't answer that, -- I knew that they refused to pay us the '95 payment, I suppose they wasnt on there.
- Q Did you ever make application to the Creek tribal authorities after that time for the enrollment of yourself and your children? A Yes sir, we made application before this here, Colbert Court but never got no trial.

#2. Jennie Johnson.

- Q Did you make application to the Dawes Commission under the act of 1896? A Yes sir, but they was destroyed so I was told.

The records of the Dawes Commission examined and from them it appears that the applicants in this case made application to the Dawes Commission for admission to citizenship in the Creek Nation under the act of June 10th, 1896, and that the judgement in said case was adverse to said applicants.

The judgement of the United States Court for the Northern District of the Indian Territory examined and from that it appears that the applicants in this case appealed from the decision of this Commission rendered in 1896, and that the judgement of said court was adverse to these claimants.

(By Mr. Gibson, Attorney for applicants).

- Q Where have you resided since the year 1890? A In the Nation here, in the Territory.
Q Continuously? A Yes sir.
Q State whether or not you have owned and held any improvements in the Creek Nation since that time? A Since when?
Q Since 1890? A Yes, I heldt places, and owned places, heldt a farm.
Q Have you had that since 1890? A Yes sir.
Q Did you know that your name was stricken from the rolls of the Creek Nation? A Why, no.
Q State whether you received any information that your right to citizenship would be investigated by any of the tribal authorities of the Creek Nation before the time you were stricken from the rolls? A No sir.
Q State whether or not you are a Creek Indian by blood?
A I am a Creek Indian by blood.
Q State whether you have any relatives in your immediate family who are recognized citizens of the Creek Nation now residing in the Nation? A I have a sister, Mary Vance, and I have an aunt, and I don't know the rest,-- several cousins, first cousins.

(By Mr. McKellop, attorney for the Creek Nation)

- Q Did you get a notice from the Colbert Commission at Okmulgee that your case would be investigated by that Commission, --- a written notice? A No sir.

Lona C ummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 26th day of April, A.D., 1901 and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Lona Cummings

Subscribed and sworn to before me at Muskogee, Indian Territory, this 26 day of April, A.D., 1901.

Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jennie Johnson for the enrollment of herself and her four minor children, Clarence, Fanny, Jennie Belle and Walter Johnson as citizens of the Creek Nation.

DECISION.

It appears from the record in this case that on July 30, 1900 Jennie Johnson appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of herself and her three minor children, Mary F., Jennie B. and Walter A. Johnson as citizens of the Creek Nation and on April 26, 1901 she again appeared before this Commission and offered additional testimony in support of her said application, including therein the names of her four minor children Clarence, Fanny, Jennie Belle and Walter Johnson.

It also appears that the names of Jennie Johnson, Cleran Johnson and Fanny Johnson are found upon the authenticated Creek roll for the year 1890 at page 224 thereof; that subsequent to said year her name was stricken from the roll by the tribal authorities of the Creek Nation. That she made application to this Commission in 1896 for the enrollment of herself and minor children as citizens of the Creek Nation in accordance with the provisions of the act of Congress approved June 10, 1896, (29 Stats. 321) and that said application was denied; that she thereupon took an appeal to the United States Court for the Northern District of the Indian Territory and that judgment of this Commission rejecting the applicants herein was by said court affirmed.

It is therefore the opinion of this Commission that the said Jennie Johnson and her four minor children, Clarence, Fanny, Jennie Belle and Walter Johnson are not entitled to be enrolled as citizens of the Creek Nation and that their application therefor should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,
this the 11th day of May, 1901.

Acting Chairman.

Commissioner.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 18, 1906.

En.1027.

In the matter of the application for the enrollment of Jennie Johnson et al as citizens of the Creek Nation.

May 11, 1901 the application for the enrollment of Jennie Johnson et al as citizens of the Creek Nation was denied by the Commission.

January 29, 1902 said decision was affirmed by the Secretary of the Interior.

April 11, 1906 motion by attorneys for applicant to reopen the case was granted and the case was set for rehearing on April 18, 1906: parties in interest were notified and the case was set for rehearing on May 18, 1906 to be tried on its merits.

APPEARANCES: E. Hastain, attorney for applicant.

H.L. Mott was notified by letter but did not appear.

JENNIE JOHNSON being duly sworn testified as follows:

Q What is your name? A Jennie Johnson.

Q What is your age? A Thirty seven.

Q What is your post office address? A Mounds.

Q Are you the identical Jennie Johnson who made application here for herself and others in the original case? A Yes

ATTY. FOR APPLICANT.

Q You were examined here on April 26, 1901 at which time you gave the names and ages of your children? A Yes, sir

Q Are those children that were living on that date still living? A Yes

Q Have you any children born since that date? A Yes, sir one.

Q What is its name? A John B. Johnson.

Q Do you remember the date of its birth? A June 3, 1904.

Q Is he still living? A Yes

Q Do you remember what year you came to the Creek Nation? A It was in 1886.

Q Have you lived here continuously since that time? A I have taken a visit off and staid 18 months with a sick child but this has been my home.

Q Did you own a place in the Creek Nation? A Yes, sir

Q What became of it? A Some parties filed on it and I sold my improvements.

Q What payments did you draw, if any, in the Creek Nation? A The '90 payment.

Q Didn't draw the payment in '95? A No, sir.

Q Did you understand about your name having been placed on the doubtful list in '95? A Yes, sir I was told that it was.

Q State whether or not you were ever given a hearing at any time by the Creek council when they placed your name on the doubtful list? A No

COMMISSIONER:

Q You claim as a citizen by blood? A Yes, sir

Q Father or mother citizens? A Father.

Q Recognized citizens? A Yes, sir.

Q On the roll? A Yes, sir.

Q What roll was he on? A Broken Arrow I suppose; we belonged to Broken Arrow town.

Q Did you ever see his name on any roll? A I couldn't say. I don't believe I ever did.

Q Why do you say he was on a roll? A Because he was a citizen all the time.

Q Was he admitted to citizenship by any act of council? A No, sir he was a citizen all the time. We was always citizens. I was born in Texas and raised there but my grandfather came here and had us all enrolled.

Q You were born in Texas, were some of your children also born in Texas? A No, sir.

Q When did you come to the Territory? A 1886.

Q Were you ever admitted by act of council? A Yes, sir /

Q When? A In '90.

Q Do you mean your name was placed on the roll ~~in~~ 1890? A Yes, sir the fall of 1890.

Q Were you ever recognized as a citizen in any way prior to 1890?

A Yes, sir I always lived on my land.

Q Were you ever recognized by the tribal authorities as a citizen prior to 1890? A Yes, sir I was always instructed that I was on the roll where my grandfather had placed me and of course I was recognized.

Q You were told that? A Yes, sir.

Q Who told you that? A My town chief and my aunt always told me that.

Q Do you know that your name was ever on any roll before the 1890? A I don't know but I supposed so because I was taught so. My grandfather had it put on and made a list of those names.

Q You were never admitted by an act of the council were you? A Yes, sir I suppose we were.

Q Were you admitted by act of council before your name appeared on the 1890 roll? A Yes, sir

Q How do you know that? A Because I went there.

Q When and where did you go? A To the council at Okmulgee in the fall of 1890.

Q Were you ever admitted by act of council before that? A I just told you I couldn't say, I have been told I was always on the roll but I didn't see.

Q Wouldn't you know if you were admitted by act of council before 1890?

A I don't know only I have been taught that we were always on the roll.

Q What is the name of your oldest child? A Clarence.

Q You made application before this Commission for the enrollment of yourself and your children? A Clarence, Penny, Jennie Belle, and Walter Johnson.

Q Are they living? A No, sir Clarence is dead.

Q When did he die? A In 1900.

Q What month? A February.

Q What day? A 19th.

Q You lived the most of your life in Texas didn't you? A Yes, until I was grown and then I lived here.

Q Born in Texas? A Yes, sir.

Q Your father lived in Texas at that time? A No, sir my father was dead before I came up here.

Q How long had he lived in Texas prior to your birth? A He was born in Alabama.

Q Was he ever in Indian Territory? A Yes, sir he used to come over here often and stay a good deal.

Q Did your grandfather ever live here? A He came here and lived but I don't know how long, and died here.

Q Did he come from Alabama? A No, sir from Texas.

Q When he came from Alabama he went to Texas first? A Yes, sir.
Q How long did he live there? A I don't know
Q In fact you don't know whether the names of your grandfather and father ever appeared on any tribal roll? A Yes, sir I knew that my grandfather did because he came here and placed them on.
Q He told you? A No, sir he didn't others did. When I came here he was dead.
Q How long have you lived in the Territory this last time; have you been here ever since 1886? A No, sir I went back to Texas and staid 18 months with a sick child, that is all I was out of the Territory..
Q With the exception of 18 months you lived here all the time? A Yes
Q Your home is here now? A Yes, sir.
Q Your children with you? A Yes, sir.

MARY VANCE BEING DULY sworn testified as follows:

ATTY. for Applicant.

Q What is your name? A Mary Vance.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Are you acquainted with Jennie Johnson the applicant in this case? A Yes, sir my sister.
Q Is she a full sister? A Yes, sir.
Q Same father and mother; you may state whether or not you and Jennie Johnson came to the Territory at the same time? A We both came together.
Q You have lived here ever since have you? A Yes, sir/
Q Did you draw the '90 and '95 payments? A Yes, sir
Q Have you received an allotment in the Creek Nation? A Yes, sir.

COMMISSIONER:

Q When were you first recognized by the tribal authorities of the Creek Nation as a citizen? A I don't really know but I think the fall before the \$29. payment; the record will show exactly.
Q Were you ever admitted by any act of council prior to 1890? A Yes sir proved our rights here.
Q Who did? A I did.
Q What year? A We got our rights just before the \$29. payment, I did myself. My sister wasn't here then.
Q Where was she? A She was in Texas.
Q You refer to your sister, Jennie Johnson? A Yes, sir when I proved my rights.
Q How did you prove your rights? A I went before the council.
Q What year was that? A I don't remember just the year.
Q Were you ever admitted in '83 or any year prior to 1890? by act of council? A I wouldn't say for sure; I was admitted the fall before the payment I think.
Q Why wasn't your sister admitted at the same time? A My sister wasn't here when I proved my rights.
Q Was she making her home somewhere else? A She went back to Texas. We came together and then she went back.
Q Why did she go back? A I don't know what their reason was.
Q Did they go back there to make it their home? A I guess not; she didn't stay.
Q How long did they stay there? A I don't know just how long.
Q You don't know whether she was ever recognized by act of council or in any other way? A I don't know anything about that; I don't know anything about how she was recognized; she drew the \$29 payment.
Q She wasn't admitted by act of council? A She was on the roll.
Q On the '90 roll? A Yes, sir.
Q You don't know whether she was admitted by act of council? A I don't know but I guess she was.
Q Do you know? A I don't really know.

HENRY C. REED, being duly sworn, testified as follows:

ATTY. FOR APPLICANT.

- Q What is your name? A Henry C. Reed.
Q What is your age? A I don't know exactly.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q You may state what if any official position you have held in the Creek Nation? A I was member of the council, as district judge and am now holding position as member of the Creek council house of warriors.
Q Did you ever hold any position in which you represented the Creek Nation before the Daves Commission? A I was attorney for the Creek Nation.
Q You may state if you are acquainted with Jennie Johnson? A Yes, sir.
Q You may state if you knew her grandfather and what his name was? A I knew an old gentleman by the name of Benjamin Posey who said he was grandfather to Jennie.
Q During the time that you were district judge you may state if he ever appeared before you and if so for what purpose? A He did appear before me for the purpose of establishing the rights of his children as citizens of the Creek Nation.
Q Do you remember when that was? A In the year 1883 along about the month of July.
Q Where had he lived prior to that time if you know? A He lived in Texas that is what he said.
Q Did you determine whether or not Benjamin Posey and those for whom he appeared were citizens of the Creek Nation? A Yes, sir I did.
Q What was your decision in that case? A My decision that they had satisfied me as a court that they had established their blood as Creek Indians.
Q Did you recognize them then as citizens of the Creek Nation? A I did and I gave them a certificate of my decision.
Q Did you make a record of these proceedings in your office at the time? A Yes, sir.
Q You may state what became of these records if you know? A The record was at the court house and the courthouse got afire and burned up all the records with the exception of a few I had at home.
Q Do you know whether or not the applicant Jennie Johnson drew the 1890 payment? A To my best knowledge she did.
Q It has been stated that her name was placed on the doubtful list of 1895, do you know anything about that list that was made up and how it was made up? A At that time I was a member of the council, member of the house of kings and I was appointed on the 18 committee. It was the duty of the committee to examine the rolls of all the town kings and some of the committee objected to Jennie Johnson and she was merely placed on the doubtful roll.
Q Was that sufficient for a name to be placed on the doubtful roll if an objection was made to it? A It wasn't final no way and they just took that course.
Q She didn't appear before the committee at the time? A No she had no hearing; the committee was n't authorized to admit her so she had no hearing.

COMMISSIONER:

- Q You are a colored man are you not, a negro freedman? A Yes, sir.
Q You stated you were district judge in 1883 did your authority extend over Indians by blood as well as freedmen? A Yes, sir.
Q When did you first become acquainted with Jennie Johnson? A I became acquainted with Jennie Johnson after I determined the case. I wasn't acquainted with her before.
Q Were you acquainted with Jennie in 1883? A Later on I met her people and they told me it was Jennie.

Q When did you first get acquainted with Jennie Johnson? A I couldn't say exactly what time.

Q When did you first get acquainted with her father? A Got acquainted with him some time before I was judge.

Q Did her father live here in the Territory? A No sir but he had a son living here and he came backwards and forwards to visit his son.

Q Did Jennie Johnson's father ever live in the Territory and make it his home? A I don't think he did but I saw him at his brother, Bill Posey's house.

Q When did you become acquainted with Jennie's grandfather? A That's Ben Posey, I became acquainted with Ben Posey long time before I was district judge.

Q Did he live in the Territory? A No, sir.

Q Did he make his home here? A No, sir.

Q Was he recognized as a citizen of the Creek Nation? A I believe he was.

Q Do you know anything about it? A His son was looked upon as a citizen.

Q Was Ben Posey ever recognized as a citizen? A Yes, sir.

Q He was called a citizen by the Creek authorities.

Q How was it that Jennie Johnson was adjudged to have rights in the Creek Nation, how do you consider she had rights? A Because Ben Posey was looked upon as a citizen.

Q Was Jennie Johnson's father or grandfather admitted to citizenship by the Greeks? A Not to my knowledge.

Q When was the name of Jennie Johnson placed on any roll do you know?

A It was placed on the roll after I had given a certificate.

Q When did you give that certificate? A '83

Q That certificate covered what names? A Eliza Allen and I couldn't name them all.

Q I mean of this family? A Eliza Allen, Eli Posey who was Posey's son, Jennie Johnson who was Eli Posey's daughter and Mrs Allen who was Posey's daughter and Nancy Posey a grandchild who is married and has some other name I can't recollect now.

Q Who placed their names on that list at that time? A It was placed there by the committee.

Q A committee appointed by the council? A Yes and Joe Mingo being town king they went after getting a certificate from him and was enrolled.

Q And the names were not stricken from the '90 roll? A No, sir, this committee approved the roll and reported to the council.

Q When a person was admitted by act of council did that act admit any other person but the person who was named in the act? A It was a rule that the person must be named in the act.

Q You say you were one of the committee of 18? A Yes, sir

Q If a name was stricken by the Committee of 18 what was the significance of that act. Did it not mean that it had been discovered that the person whose name had been on some previous roll was not entitled?

A We might take them again.

Q Do you remember most of those cases that came before you and the committee of 18 at that time? A Not particularly unless I happened over them again.

Q Do you remember distinctly this case of Jennie Johnson before that committee? A I will state to the best of my knowledge. Joe Mingo was my town king and when they attempted to set aside Jennie Johnson it was asked me to explain how she came on the '90 roll which I did; I explained that she was one of the parties who I had recognized as citizens upon the evidence before me and the committee set aside her name.

Q What reason did they have for setting aside her name? A I can't tell you exactly the reason, I heard it this way that the thought the judge showed too much authority himself and it might be these people bribed the judge and got on.

Q It was assumed that you had been bribed? A It was assumed they was and that was what brought up the question of doubt; they had no proof to know that was a fact; it was nothing but perjury; never had any proof of it.

- Q What proof was brought before you to show that Jennie Johnson or any of her family were entitled to rights in the Creek Nation?
A There was an old lady named Ginda Smith, Indian by blood, and she testified in behalf of these people that she knew them from girlhood up.
Q How could she know her from girlhood up if she lived in Texas and they had spent most of their lives there and Jennie Johnson was born there? A She knew them because the people in them times they corresponded by letter I suppose.
Q Did you ever see a letter she wrote? A No, sir Ginda Smith testified that she knew these people and all the question I asked her was relative to her knowledge of these people and she satisfied me that she knew the people at the time.
Q Did she satisfy you that they had Indian blood? A Yes, sir.
Q Your statements do not go to show that she offered you any proof except the mere fact that she was acquainted with these people? A Yes.
Q Did you put people on the roll just through the testimony of acquaintances without their introducing any proof? A No it wouldn't be reasonable.
Q Are you an educated man? A No, sir.
Q Can you read and write? A I can read and write a little; I have never been to school.
Q Can you count up to a thousand? A Yes, sir.
Q Do you know what law is? A I knew the Creek law.
Q Could you define the Creek law? A I don't know that I can. It takes a man with an education to define law.
Q When were you assistant attorney or attorney for the Creek Nation?
A About 1901 and 1902.
Q Were you ever indicted? A Never convicted.
Q Were you ever indicted? A I believe--

Attorney for applicant objects to the question as to whether he was indicted but not as to whether he was convicted:

- Q Were you ever indicted? A I was but it was nolle prossed.
Q What for? A Party said in drawing \$29. that I had taken their money.
Q That you had misappropriated the money? A Yes, sir.
Q Were you convicted? A No, sir.
Q Were you ever indicted any other time? A No, sir.
Q Did you ever receive any money from anybody for putting their names on the roll--on any tribal roll? A No, sir never did.
Q Did you receive any consideration other than money for doing that? A No, sir never did.
Q Isn't it a fact or is it a fact that your acts in putting on names on the tribal rolls have been questioned? A Never did.
Q Wasn't it questioned in this instance? A That is about the only time.
Q You don't remember what proof was brought to bear on you in 1890 or before that time to show that these people had any rights in the nation? you don't know what proof was brought before you do you? A I couldn't state by words but I can remember a witness before me and that is all the proof in my mind what they said at the time.
Q What do you know about any rights that the father or grandfather of the principal applicant had as Creeks? A Nothing any more than what had been told that they were descendants of Creek people.
Q And just on bare statements you placed names on the roll? A No, sir if parties came before me and qualified by oath I placed their names on.
Q Did you consider that a residence of three years was all that was necessary to qualify? A We had no law at the time saying how long a party must be a resident before he would be entitled, especially in cases of an Indian there was no restriction. I might state this, there was an old gentlemen came here to town by the name of H.B. Moore part Indian.
Q Part negro? A No, sir I don't think so and I don't know of colored blood. Moore handled their case.
Q What year? A '93. They came to Moore and I had a little doubt about

taking up the case but Judge Moore insisted that Ben Pency was a citizen without a doubt.

Q How long had you known Pency at that time? A He came in '73 that was Bill the son of Ben Pency. Ben lived with Bill and there is where I got acquainted with him and when I came in office as a judge---

Q Were Ben and Bill ever recognized by the tribal authorities before '83? A Couldn't have been for they were required to come before me.

Q And the only thing that you had to warrant you in placing their names on the roll was the statement of one or two people? A Yes and Napoleon Moore was considered to be a good man and he insisted on me.

Q Did you place their names on the roll in '83? A Yes, sir

Q Write their names yourself? A The party who did the clerking for me at the time.

Q Isn't it a fact or is it a fact that there are hundreds and hundreds of people who have come to this Territory and settled down here and permitted to live here by the Creek people without being recognized as citizens? A I don't know of any such case.

Q Isn't it a fact that hundreds of people have come to live in this country without being recognized as citizens? A I only know one instance of that: some colored people who had relatives here.

Q Any white people come here in the last 20 years and not recognized as Indians? A Yes, white people lived here and not recognized.

Q Don't you know that for many years white people have been coming here and living in the Creek Nation who have no rights to Creek citizenship and have never been admitted to citizenship? A I said there had been white people lived here. A good many white folks have come here and lived and later on the Indians made a law denying any such coming here without a permit.

ATTY. FOR APPLICANT.

Q Isn't it a fact that Judge Moore is one of the most prominent and reputable citizens of the Creek Nation and if he didn't come here with the Greeks from Alabama and has held official positions with the Creek Nation since that time? A Yes, sir he is.

Q State whether or not he was treasurer at one time? A Yes, sir and he was one of the judges of the Supreme court at one time.

Q You have also been judge of the Supreme court? A No, sir.

Q I will ask you to state if your authority was not simply to permit people to establish the fact that they were citizens by blood of the Creek Nation and that you had no authority--

Objected to by the Examiner as suggesting the answer.

In the Constitution and Laws of the Muscogee Nation, edition of 1890, on page 63, chapter 7, article 1, appears the following:

Section 1. All persons having resided out of the limits of the Muscogee Nation, and whose rights as citizens of the same may seem to be questionable in consequence of intermarriage with non-citizens, shall be bona fide citizens of this Nation, provided they can prove to the satisfaction of the proper authorities, that they are of Muscogee descent, and not further removed than the fourth degree.

Sec. 3. Any person claiming citizenship under these provisions, shall, in order to establish his or her rights, prove the same by a responsible and disinterested native witness before the District Court.

Q Now I will ask you if that is the law under which you acted and under which you determined the rights of this applicant to citizenship in the Creek Nation? A Yes, sir.

LEWIS C. PERRYMAN, being duly sworn, testified as follows:

- Q What is your name? A Lewis C. Perryman.
Q What is your age? A Sixty eight.
Q What is your post office address? A Tulsa.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what Creek Indian town do you belong? A Big Springs.
Q You may tell what if any official positions you have held in the Creek Nation? A A good many. I served as District Judge at one time, member of the council about 13 years; chief eight years, that's all.
Q Are you acquainted with Jennie Johnson the applicant in this case? A Yes, sir.
Q I will ask you to look at this paper and state what this is? A That's my signature.
Q You may state what that is, that paper? A A certificate showing that Mrs. Johnson was enrolled on the Creek roll I think 1890.
Q You issued that certificate did you? A Yes

COMMISSIONER:

- Q How long have you been acquainted with the applicant? A Not very long. I have been acquainted with the Posey family for thirty years.
Q There were several Posey families? A Yes, sir a great many Poseys.
Q When did you first meet Jennie Johnson? A I met her at the council.
Q What year? A I don't remember.
Q Before 1890? A I don't recollect. I don't remember.
Q What was the name of her father? A I didn't know him.
Q Did you ever see him here in the Creek Nation? A I don't remember.
Q You have a good memory have you not? A No, sir
Q You have testified before this Commission quite a number of times? A Yes, sir.
Q Were you acquainted with the grandfather of the applicant? A No, sir I was acquainted with Bill Posey.
Q Any relation of this woman? A Yes, sir
Q How related? A Uncle I think.
Q Was Bill Posey a citizen of the Creek Nation? A Yes, sir.
Q How do you know that? A It was claimed he drew money with the Greeks.
Q When did he draw money with the Greeks? A I am not certain about the dates.
Q Do you know he drew money with the Greeks? A I don't know but I know this there was a warrant issued for his arrest at one time and under the Creek law no warrant was ever executed against a non citizen except by mistake and he was killed in the arrest.
Q He was killed when they started to arrest him? A Yes, sir.
Q Is that the only recognition you know of that he was a Greek? A His people claimed him as a citizen that's all; I don't know it personally.
Q Do you remember his appearance? A About like these other Poseys--a good deal of white in him.
Q Would you consider the applicant had any Indian blood by her appearance? A I don't know it personally only through the records.
Q Just from the 1890 roll? A Yes, sir and if I would say what I have heard Col. McIntosh in his life time tell when these cases were coming up and he told me that the Posey family left this country after they received money from the "Old Settlers" roll.
Q He is dead? A Yes, sir
Q What do you know about the Old Settlers' roll? A I drew part of it.
Q When was that? A In '56 before the War.
Q How many names on that roll? A I don't know.
Q Do you know how long Bill Posey lived here? A I don't know that.
Q Isn't it a fact that for many years white people have been coming to the Territory and permitted to live here in the Creek Nation as citizens? A Yes, sir but not as citizens.

Q What was the method adopted by people who desired to be recognized as citizens? A Applied to the council and they investigated whether they were Greek people; at one time it was before the court after that they placed the matter before the council and before a certain committee.

Q What was the purpose of the committee of eighteen? A To investigate. This committee of 18 they investigated this roll and I think they passed it through the council.

Q Was it their purpose to investigate as has been stated by witnesses investigate and see if any names were there that ought not to be there?

A Yes, sir that is what it was for.

Q As a matter of fact you don't know of any recognition by the Greek tribal authorities of this applicant or her father or grandfather as citizens by blood of the Greek Nation? A Personally I don't.

Q You have heard something to the effect that the grandfather of the applicant received some money at the time of the Old Settlers roll?

A Yes, sir

Q You have heard of it? A Yes, sir.

Q Is that all you know of tribal recognition? A I have heard that these folks went before a court authorized by the council and stood examination under the law.

Q Do you know what happened then? A That they were admitted and put on the roll of Broken Arrow.

Q Do you know the judge that put them on? A Judge Reed put them on and investigated the matter; I guess Mingo first put them on, he was town king of Broken Arrow.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me
this first day of June 1906.

H. H. Haines
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jennie Johnson and her children, Clarence Johnson (deceased), Fanny Johnson, Jennie Belle Johnson, Walter Johnson and John B. Johnson, as citizens of the Creek Nation.

DECISION.

The record in this case shows that on July 30, 1900, Jennie Johnson appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for the enrollment of herself and her three minor children, Mary F., Jennie B., and Walter A. Johnson as citizens of the Creek Nation; that on April 26, 1901, she again appeared before said Commission and offered additional testimony in support of her said application, including therein the names of her four minor children, Clarence, Fanny, Jennie Belle and Walter Johnson; that under date of May 11, 1901, decision was rendered by said Commission denying said application, which said decision was affirmed by the Department on January 29, 1902; that on April 11, 1906, upon motion of said Jennie Johnson through her attorneys, said case was reopened by the Department, and that a further hearing was had on May 18, 1906, at which time said Jennie Johnson appeared and further testified in the matter of said application, including therein the name of her minor child John B. Johnson.

Affidavits in the matter of the death of Clarence Johnson and of the birth of Jennie Belle Johnson and John B. Johnson, filed with this office September 18, 1906, are attached to and made part of the record herein.

The evidence shows that said Jennie Johnson, the principal applicant, was born in the State of Texas and removed to the Creek Nation in the year 1886 where she has since resided; that the other applicants herein were born in Indian Territory and with the exception of Clarence Johnson are now residents of the Creek Nation; that Clarence Johnson was born in the year 1885 and died February 19, 1900; that Jennie Belle Johnson was born November 28, 1902; Walter Johnson was born September 29, 1894 and that John B. Johnson was born June 3, 1904.

It appears from the evidence and from the records in the possession of this office that the names of Jennie Johnson, Oleram Johnson and Fanny Johnson are found upon the 1890 authenticated Creek roll; that said names are not among those listed on the 1895 authenticated Creek roll; that in the year 1895 said names were stricken from the rolls by the Committee of Eighteen; that at a subsequent date application was made to the Colbert Citizenship Commission for the reinstatement of said applicant and her children as citizens of the Creek Nation and no action was taken thereon by said Citizenship Commission; that application was made to the Commission to the Five Civilized Tribes in the year 1896 for the enrollment of said Jennie Johnson and her minor children as citizens of the Creek Nation, in accordance with the provisions of the Act of Congress approved June 10, 1896 (29 Stats. 321); that said application was denied by said Commission; that an appeal was taken from said decision to the United States Court for the Northern District of Indian Territory, and that said judgment of the Commission was affirmed by said Court.

The Assistant Attorney General for the Department in an approved opinion under date of January 31, 1906 in the Creek citizenship case of R. P. Barber (a case analogous in all material respects to that of Jennie Johnson, et al) held that;

"If in fact the applicant was borne on the rolls of the Creek Nation, neither the Commission in 1896, nor the Court, had authority to deny his enrollment and their action in so doing was a void act".

In the Creek citizenship case of Frank London, et al it was held by the Department that

"If the applicants are otherwise entitled to be enrolled as citizens of the Creek Nation, the striking of their names from the 1895 roll by the Committee of Eighteen does not affect their rights".

It is therefore the opinion of the Commissioner that in view of the opinion of the Assistant Attorney General and the ruling of the department, above cited, said Jennie Johnson and her children Clarence Johnson (deceased), Fanny Johnson, Jennie Belle Johnson, Walter Johnson and John B. Johnson are entitled to be enrolled as citizens of the Creek Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stats. 495), March 1, 1901 (31 Stats. 861) and April 26, 1906 (Public No. 129), and the application for their enrollment as such is accordingly granted.

Commissioner.

Muskogee, Indian Territory.

September 25, 1906

I, J. F. Warren do solemnly swear that I am 57 years
of age, and that on the 16th day of May 1906, in the Creek
Nation, Indian Territory, I served the within Subpoena on the within named

Henry C Reed
by then and there ^{reading} ~~delivering a true copy of~~ the same to said Henry C Reed

J. F. Warren
Subscribed and sworn to before me this 18 day of May 1906

My Comm. Expires
Aug 30/1908.

Enloe V. Vernon
Notary Public

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Henry C. Reed,

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, in the Creek Nation, Indian Territory, on the 18 day of May 1906, to testify before said Commissioner in the matter of the application of Jennie Johnson for enrollment as a Creek citizen.

Dated at Muskogee, La. this 10 day of May 1906

W. O. Beall

ACTING Commissioner.

I, J J Warren do solemnly swear that I am 57 years
of age, and that on the 17th day of May 1906, in the Creek
Nation, Indian Territory, I served the within Subpæna on the within named

Lequo C Perryman
by then and there ^{reading} ~~delivering a true copy of the same to said~~ Lequo C Perryman

Subscribed and sworn to before me this 18th day of May 1906

My Comm. Expires
Aug. 30/1908

J J Warren
Enos V. Vernon
Notary Public

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To *Leques C. Perryman*

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at *Muskogee* in the *Creek* Nation,

Indian Territory, on the *18* day of *May* 1906, to testify before

said Commissioner in the matter of the application of *Jennie Johnson*

for enrollment as a *Creek* citizen

Dated at *Muskogee, Ok* this *10* day of *May* 1906

W. O. Beale
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
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In the matter of the citizenship of Jennie Johnson et al.,
in the Creek Nation.

Motion to set aside the order of the Secretary of the Interior of March 4th, 1907, in the above entitled cause.

Come now the applicants in the above entitled cause, and move that the Secretary of the Interior set aside his order under date of March 4th, 1907 for the following reasons, to-wit:--

First; Because the Secretary of the Interior on February 19, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes dated September 25, 1906, enrolling these applicants, and said order of March 4, 1907 was made without notice to these petitioners or their attorneys of record.

Second;--Because said action of the Department was contrary to the rules of practice as approved heretofore by the Department.

Third;-- Because the action of the Department in making the order striking from the rolls, was based upon a decision of the Attorney General of Feb. 10, 1907 in certain Cheatew-Chickasaw citizenship cases, and on the theory that the cases mentioned in said opinion were like the case of these applicants, when as a matter of fact the cases were entirely different.

Fourth;-- Because the Attorney General erred in his opinion for the reason that certain important laws and facts were not called to his attention; and for the further reason that attorneys for these applicants had no opportunity to present their side of the question bearing upon the case.

Fifth;-- Because it was the duty of the Commissioner to the Five Civilized Tribes and the Department to enroll these applicants under the act of June 20, 1898, the Creek Agreement and subsequent acts, regardless of the laws that had been passed or the decisions that had been rendered prior thereto.

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J. H. [unclear]

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.

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Sixth;--Because these applicants are duly enrolled citizens of the Creek Nation, and their names have never been stricken from said rolls by due process of law.

Wherefore applicants pray that said order be set aside, so that the decision of the Department dated February 19th, 1907 be allowed to stand. That a reasonable time be allowed in which to file a brief and argument in the above entitled cause.

By _____

Their Attorneys.

E. Hastain, of lawful age, upon his oath says that on the _____ day of May, 1907, he mailed by registered letter a true copy of the foregoing motion to M.L.Mott Esq., Attorney for the Creek Nation, and hereto attaches the registry receipt for same.

Subscribed and sworn to before me this _____ day of May, 1907.

Notary Public.

No. 74 Copy

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jennie Johnson for the enrollment of herself and minor children, as citizens of the Creek Nation.

MOTION TO RE-OPEN.

Come now Jennie Johnson, the principal applicant in the above entitled cause, and moves The Honorable Secretary of the Interior to reopen and review the above entitled cause and to enroll her and her children as citizens of the Creek Nation, for the following reasons, to-wit:

FIRST: Because she was not permitted to introduce her witnesses and record proof at the time she made application for enrollment.

SECOND: Because if she had been permitted to do so, she could have shown that she was duly recognized and admitted as a citizen of the Creek Nation in the year 1885 by the District Court of the Creek Nation, at which time said court had jurisdiction to hear and determine applications to be recognized and admitted as citizens of the Creek Nation. That in the year 1890 she and her children were enrolled upon the 1890 authenticated Creek roll, by act of the Creek Council, and that she was granted a certificate showing that they were citizens.

THIRD: That the purported striking from the roll of the names of herself and children by the "Righteen Committee" was without authority, and that she and her said minor children never received any notice of the intended action of the said committee and were not represented at the hearing and had no opportunity whatever to appear before said committee and defend the citizenship of herself and children, and that said action is void.

FOURTH: Because the judgment of the Commission and of the United States Court in 1894 was void because they acted without having jurisdiction of this cause.

FIFTH: Because under the opinion of Assistant Attorney General in the Matter of the Application of H.W. Barber for enrollment as a citizen of the Creek Nation, the applicants are entitled to enrollment under the evidence taken at the hearing of this cause, for the reason it shows that their names appear upon the 1890 authenticated tribal rolls of the Creek Nation, which was the last authenticated tribal roll of Broken Arrow Town in possession of the Commissioner to the Five Civilized Tribes--the 1895 authenticated roll of Broken Arrow Town having been lost or destroyed.

WHEREFORE she prays that this cause be reopened and reviewed, and that she and her children be enrolled as citizens of the Creek Nation.

By _____

Attorneys for Applicants.

F. Hestain, upon his oath says that he mailed a true copy of the foregoing motion, and the affidavits hereto attached, in support of said motion, to H.L. Mott Esq., Attorney for the Creek and attaches hereto registry receipt for said letter.

Subscribed and sworn to before me this _____ day of January, 1906.

Notary Public.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT;

Before the undersigned, a Notary Public, in and for the Northern District, Indian Territory, this 25. day of October, A.D. 1899, personally appeared, Joseph Mingo, who after being duly sworn, deposes as follows, I am a Creek Indian by blood, reside near Cowart, I.T. am now a member of the House of Kings, of the Creek Council, was a member of said House in 1890. During the regular session of the National Council of 1890, an Act was passed by both Houses of said Council and approved by the Principal chief of the Nation, admitting to citizenship in the Creek Nation, a number of persons, and among the numbers was Jennie Johnson and her descendants, by virtue of her being a Creek Indian by blood. By the passage and approval of this Act, said Jennie Johnson and her descendants became citizens of the Creek Nation and entitled to all the rights and privileges pertaining to citizenship therein.

Said Jennie Johnson and her family were thereafter enrolled in my Town, and I was their Town Chief or King.

Affiant further states that he has no personal interest in this matter.

Joseph Mingo.

Subscribed and sworn to before me this 25., day of October, 1899.

John G. Lieber,

Notary Public.

My commission expires Dec. 18, 1901.

(SEAL)

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

NORTHERN DISTRICT;

Before the undersigned a Notary Public in and for the Northern District, Indian Territory, this 25. day of October, 1899, personally appeared, Eliza H. Allen, who after being duly sworn deposes as follows,

I am a Creek Indian by blood and citizen of the Creek Nation, live near Mounds, in said Nation. I am a daughter of Ben Posey, and a sister Eli Posey, who was the father of Jennie Johnson. Said Jennie Johnson being my niece, and is a creek Indian by blood. Said Ben Posey and Eli Posey were duly and legally admitted to citizenship in the Creek nation by virtue of their being Creek Indians.

Subscribed and sworn to before me
this 25. day of October 1899.

Eliza H Allen
John G. Lieber,

Notary Public.

My commission expires Dec. 18, 1902.

(SEAL)

Tulsa, Ind. Ter. Dec. 3, 1890.

This is to show that Jesse Johnson and his children, Clarence,
Fauna, F.D. Johnson are on the roll of the Broken Arrow
Town, upon the certified rolls, and are entitled to per capita
payment as Creeks.

L.C. Perryman,

Principal Chief, E.R.

(SAL)

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

NORTHERN DISTRICT;

Before the undersigned, a Notary Public in and for the Northern District, Indian Territory, this 25th day of October A.D. 1899, personally appeared Mary E. Vance, who after being duly sworn deposes as follows, I am a citizen of the Creek Nation, a Creek Indian by blood, live near Redfork, I.T. am a full sister of Jennie Johnson, Said Jennie Johnson and her children are Creek Indians by blood. I am a grand daughter of Ben Posey and a daughter of Eli Posey, both of whom were Creek Indians by blood and were duly and legally admitted to citizenship in the Creek Nation.

Mary E. Vance

Subscribed and sworn to before me this 25, day of October 1899.

My commission expires Dec. 18, 1902.

John G. Lieber,
Notary Public.

(SEAL)

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT;

Before the undersigned, a Notary Public, in and for the
Northern District, Indian Territory, this 25. day of October, A.D.
1899, personally appeared L.C. Perryman, who after being duly
sworn, deposes as follows:

My name is L.C. Perryman, am 61 years old, resided at Tulsa,
Creek Nation, Ind. Ter. am a Creek Indian by blood, from 1887 to
1895 I was Principal Chief of the Creek Nation. During the ses-
sion of the National Council of said Nation, in 1890, an Act was
passed by both Houses of said Council and approved by me, as
Principal Chief, admitting to citizenship in the Creek Nation,
a number of persons and among them, Jennie Johnson and her de-
scendants, by virtue of her and her said descendants being Creek

Indians by blood, and by reason of the passage of said Act
and its approval, said Jennie Johnson and her said descendants
are citizens of the Creek Nation and entitled to all the rights and
privileges pertaining to citizenship therein, and issued to her
a certificate of citizenship.

L.C. Perryman,

Subscribed and sworn to before me this 25. day of October A.D. 1899.

John G. Lieber,

My commission expires Dec. 18/ 1902.

(SEAL)

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

NORTHERN DISTRICT.

Before the undersigned, a Notary Public, in and for the Northern District, Indian Territory, this 25. day of October, A.D. 1899, personally appeared Henry C. Reed, who after being duly sworn deposes as follows:

My name is Henry C. Reed, I am a citizen of the Creek Nation, reside near Lee, in said nation, am 53 years old, am now a member of the House of Kings, of the Creek nation, and was member of this body in 1890, and in 1893, I was judge of Muskogee District, Creek Nation, at this time the judges of the several District Courts were invested with full jurisdiction to hear and determine controversies touching citizenship rights in said nation, and to admit to citizenship therein such persons as they found to be Creek Indians. That during the year 1883 affiant heard and passed on the right to citizenship in the Creek Nation, of the Pen Posey family, including the rights of such members of said family then appearing before the Court, and their descendants. At the conclusion of said hearing I determined that Ben Posey, Eliza Posey, Tom Posey, Eli Posey, "who is the father of Minnie Johnson" and their descendants were entitled to citizenship in the Creek Nation and issued certificates of citizenship to them.

Affiant further states that he has no personal interest in this matter and that the facts set forth herein are true as he verily believes.

Henry C. Reed,

Subscribed and sworn to before me this 25. day of October, A.D. 1899.

John G. Lieber,

Notary Public.

My commission expires Dec. 18, 1902.

(Seal)

(COPY)

Muskogee, Indian Territory, January 17, 1908.

Jennie Johnson,

Mounds, Indian Territory,

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and children, Clarence, Fanny, Jennie Belle and Walter Johnson, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in charge.

1 enclosure
JJ-72.
Registered.

(COPY)

Muskogee, Indian Territory, January 17, 1903.

Mr. N. A. Gibson,
Attorney for Jennie Johnson,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jennie Johnson and her children, Clarence, Fanny, Jennie Belle and Walter Johnson, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure MAG-72.
Registered.

(COPY)

Muskogee, Indian Territory, January 17, 1903.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jennie Johnson and children, Clarence, Fanny, Jennie Belle and Walter Johnson, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in charge.

1 enclosure
MAR-72.
Registered.

(COPY)

Muskogee, Indian Territory, January 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Jennie Johnson for the enrollment of herself and children, Clarence, Fanny, Jennie Belle and Walter Johnson, as citizens of the Creek Nation, including the decision of the Commission, dated May 11, 1901, denying said application.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure
Creek 72.

Through the Commissioner
of Indian Affairs.

Muskegee, Indian Territory, May 11, 1903.

Hugh R. Johnson,

Mounds, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 4th, relative to the right to enrollment of Clarence, Mary F. and Thomas D. Johnson, as citizens of the Creek Nation. You state that they are aged, respectively, 12, 16 and 13 years.

In reply, you are advised that on July 30, 1900, Jennie Johnson appeared before the Commission and made application for the enrollment of herself and her four minor children, Clarence, Mary F., Jennie B., and Walter A. Johnson, as citizens of the Creek Nation. It further appears, that on May 11, 1901, said application was denied by the Commission, and that on January 29, 1902, the decision of the Commission was affirmed by the Secretary of the Interior.

You are further advised that the name of Thomas D. Johnson was not included in said application, nor does it appear that application has ever been made to this Commission for his enrollment as a citizen of the Creek Nation.

You are further advised that if said Thomas D. Johnson was living April 1, 1899, either of his parents, or his duly

8. Hugh B. Johnson.

appointed guardian, and appear before the Commission, at its office
in Muskogee, Indian Territory, and make application for his appoint-
ment as a citizen of the Creek Nation.

Respectfully,

Chairman.

En.72

Muskogee, Indian Territory, March 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

February 2, 1904, H. A. Gibson and R. Hantain, attorneys for Jennie Johnson, et al., delivered to this office for transmission to the Department, a motion to reopen the matter of the application for the enrollment of said Jennie Johnson, et al., as citizens of the Creek Nation.

The grounds upon which said motion is based are in the main similar to those set forth in the Creek citizenship case of R. F. Barber which was on February 3, 1903, (I.T.D.1124-1903), reopened by the Department and whose enrollment as a citizen by blood of the Creek Nation was, on September 21, 1903, approved by the Department.

Secretary R.

In view of the facts in the case, I have the
honor to recommend that the motion to reopen the matter
of the application for the enrollment of said Jennie
Johnson, et al., as citizens of the Creek Nation be granted.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

HHA-4

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

April 6, 1906.

Land.
6728-1906.
24342-1906.

Cr.En. 72

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of March 15, from Tans Bixby, Commissioner to the Five Civilized Tribes, wherein he says that on February 28, 1906, N.A.Gibson and E. Hastain, attorneys for Jennie Johnson et al., delivered at his office for transmission to the Department a motion to reopen the matter of the application for the enrollment of Jennie Johnson, et al., as citizens of the Creek Nation.

He says that the grounds on which the motion is based are in the main similar to those set forth in the Creek citizenship case of R. F. Barber, which was, on February 3, 1905 (I.T.D. 1126-1905) reopened by the Department, and whose enrollment as a citizen by blood of the Creek Nation was, on September 21, 1905, approved by the Department.

He further says that in view of the facts in the case, he recommends that the motion to reopen the application for the enrollment of Jennie Johnson, et al., as citizens of the Creek Nation be granted.

I concur in this recommendation and enclose the original record in the case which was disposed of by the Department on January 29, 1902, (I.T.D. 593-1902). Very respectfully,
MBH-Y.
G. F. Larabee, Acting Commissioner

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

PHE.

I.T.D. 893-1908.
5844-1906.

April 11, 1906.

LRS

Cr. In. 72

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

By departmental letter of January 29, 1902, the decision of the Commission to the Five Civilized Tribes rejecting the application for the enrollment of Jennie Johnson and her minor children, Clarence, Fanny, Jennie B. and Walter Johnson, as Creek citizens, was affirmed.

In accordance with the recommendation contained in your letter of March 18, 1906, said decision is hereby rescinded and the case reopened, upon the motion submitted, in accordance with the opinion of the Assistant Attorney General of January 31, 1906, approved by the Department, in the case of R. F. Barber, for enrollment as a Creek citizen, in order that the applicants may be heard upon the merits of the case.

A copy of said opinion was furnished the Commission with letter of February 3, 1906, ordering a rehearing in the Barber case. A copy of Indian Office letter of April 6, 1906 (Land 24342-06), the motion to reopen, and the testimony in the case, are inclosed.
3 inclosures

Respectfully,
(Signed Thos. Ryan

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

Cr.Mn.72

Muskogee, Indian Territory. April 18, 1906.

E. A. Gibson,

Attorney for Jennie Johnson, et al.,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the motion to reopen the matter of the application for the enrollment of Jennie Johnson, et al., as citizens of the Creek Nation, wherein you and Mr. E. Hastain appear as attorneys for applicants, has been granted by the Department, and the case ordered set for rehearing.

You are hereby notified that a rehearing in said case is set for May 18, 1906, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, at which time and place you will be permitted to introduce such evidence as you may deem proper.

The Creek Nation will also be given an opportunity to introduce evidence in the case.

Respectfully,

Acting Commissioner .

Muskogee, Indian Territory. April 28, 1906.

E. Mastain,

Attorney for Jennie Johnson, et al.,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the action to reopen the matter of the application for the enrollment of Jennie Johnson et al., as citizens of the Creek Nation, wherein you and Mr. H.A. Gibson appear as attorneys for applicants, has been granted by the Department, and the case ordered set for rehearing.

You are hereby notified that a rehearing in said case is set for May 18, 1906, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, at which time and place you will be permitted to introduce such evidence as you may deem proper.

The Creek Nation will also be given an opportunity to introduce evidence in the case.

Respectfully,

Acting Commissioner.

Cr.No. 92

Muskogee, Indian Territory. April 15, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sirs:

You are hereby advised that the Department has granted the motion of H. A. Gibson and H. Hastain, attorneys for applicants, to reopen the matter of the application for the enrollment of Jennie Johnson, et al., as citizens of the Creek Nation, and the case has been set for rehearing on May 15, 1906.

You are hereby notified that the Creek Nation, as well as the applicants, will be given an opportunity to introduce evidence in the case, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, on the date above mentioned.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory. April 18, 1906.

Jennie Johnson,

Mounds, Indian Territory.

Dear Madam:

You are hereby advised that the motion of your attorneys, E. A. Gibson and E. Hastain, to reopen the matter of the application for the enrollment of yourself and your children, Clarence, Fanny, Jennie Belle and Walter Johnson, as citizens of the Creek Nation, has been granted by the Department, and the case ordered set for rehearing.

You are hereby notified that a rehearing of said case is set for May 18, 1906, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, at which time and place you will be permitted to introduce such evidence as you may deem proper.

The Creek Nation will also be given an opportunity to introduce evidence in the case.

Respectfully,

Acting Commissioner.

COPIES OF THIS LETTER TO THE FOLLOWING:
CRAIG 1027.

Filed

by

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

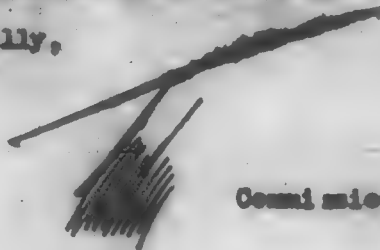
Muskogee, Indian Territory, September 12, 1906.

Messrs. J.A. Gibson & E. Hastain,
Attorneys for Jennie Johnson, et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the record before this office in the matter of the application for the enrollment of Jennie Johnson, et al., as citizens of the Creek Nation is incomplete to the extent that there is no formal proof of the death of Clarence Johnson and of the birth of Jennie Belle, Walter and John B. Johnson, and before decision can be rendered in the case it will be necessary that you furnish such evidence and for this purpose there are inclosed herewith blank forms of proof of birth and death.

Respectfully,



Commissioner.

1 DA
3 BA

Cr.En.1027

Muskogee, Indian Territory, September 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of April 11, 1906, (I.T.D. 593-1902, 5844-1906), rescinded its decision of January 29, 1902, affirming the decision of the Commission to the Five Civilized Tribes dated May 11, 1902, denying the application of Jennie Johnson for the enrollment of herself and her four minor children, Clarence, Fanny, Jennie Belle, and Walter Johnson as citizens of the Creek Nation, and instructed that said case be reopened in order that applicants might be heard upon the merits of same, in line with the opinion of the Assistant Attorney General under date of January 31, 1905 (12252-1904), in the Creek citizenship case of R. F. Barber.

In accordance with Departmental instructions said

Secretary E.

case was refused, the petition for rehearing being also refused, and a hearing was had in June of May 29, 1906.

A new decision has been prepared in this matter, covering all of the applicants, which said decision together with the entire record in the case is transmitted herewith for Departmental consideration.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

L-28-1

Refer in reply to the following:
Land 24000-1906.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of April 11, 1906 (I.Y.D. 5844) there is enclosed a report from the Commissioner to the Five Civilized Tribes transmitting the record relative to the application for enrollment of Jennie Johnson and her children Clarence Johnson (deceased), Fanny Johnson, Jennie Belle Johnson, Walter Johnson and John B. Johnson, as citizens of the Creek Nation. The Commissioner held that the applicants were entitled to enrollment.

The evidence shows that Jennie Johnson, the principal applicant, was born in the State of Texas and removed to the Creek Nation in the year 1886, where she has since resided, and that the other applicants were born in the Creek Nation.

The record shows that the names of Jennie Johnson, Uleran Johnson and Fannie Johnson are found on the 1890 authenticated Creek roll, but that these names are not on the 1895 authenticated Creek roll, and that in the year 1895 these names were stricken from the roll by the Committee of Eighteen.

The Assistant Attorney General for the Department in an

approved opinion under date of January 31, 1905, in the Creek citizenship case of R. F. Barber (a case analogous in all material respects to that of Jennie Johnson et al.) held that:

If in fact the applicant was borne on the rolls of the Creek Nation, neither the Commission in 1896, nor the Court has authority to deny his enrollment and their action in so doing was a void act.

In the Creek citizenship case of Frank London, et al., it was held by the Department on April 15, 1905 (I.T.D. 3194-1905);

If the applicants are otherwise entitled to be enrolled as citizens of the Creek Nation, the striking of their names from the 1895 roll by the Committee of Eighteen does not affect their rights.

It is therefore recommended that under these holdings the decision of the Commissioner favorable to the applicants be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

J.P.B. - NL

SPECIAL

JSJr
PHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 3650-1907.
D.C. 10647-1907.

February 19, 1907.

LRS

Direct

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

September 25, 1906, you resubmitted the record in the matter of the application of Jennie Johnson for the enrollment of herself and her four minor children, Clarence, Fanny, Jennie Belle, and Walter Johnson, as citizens of the Creek Nation, together with your decision holding that the applicants are entitled to enrolment.

Reporting February 15, 1907 (Land 85000-06), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,

1 inc. and 2 for Ind. Of.

First Assistant Secretary.

APMc
2-20-07.

Cr. En. 1027.

Muskogee, Indian Territory, February 27, 1907.

The Honorable

The Secretary of the Interior.

Sir:

The Department under date of April 11, 1906, rescinded its action of January 29, 1903, affirming the decision of the Commission to the Five Civilized Tribes dated May 11, 1902, denying the application of Jennie Johnson for the enrollment of herself and her four minor children, Clarence, Fanny, Jennie Belle and Walter Johnson as citizens of the Creek Nation and instructed that said case be reopened in order that applicants might be heard upon the merits of the same in line with the opinion of the Assistant Attorney General of January 31, 1905, in the Creek citizenship case of R. F. Barber.

In accordance with Departmental instructions, said case was reopened and further testimony was introduced in same.

Secretary 2.

A new decision was prepared in said matter and signed by the Commissioner September 25, 1906, granting the application for the enrollment of said applicant; which said decision, together with the record in the case, is now before the Department for consideration.

The Department under date of February 23, 1907, telegraphed this office as follows:

"To Bixby,

Commissioner, Muskogee, I. T.

You are directed to inspect the partial rolls of citizens of the Choctaw and Chickasaw Nation to determine what persons have been enrolled thereon contrary to the views expressed by the attorney general in opinion of February 19 copy sent you this day and whose names should be stricken therefrom. You will furnish the department with a list of such names with roll numbers and give such information that it may readily determine whether such names should be stricken from the rolls. This information should reach the department before March first take like action relative to the rolls of Cherokee and Creek Nations. It was held in such opinion among other things that the decisions of the commission under act of 1896 not appealed from were final and that the decisions of the Choctaw and Chickasaw citizenship court were final whether the claimants names was on tribal rolls or not. Decisions of the department based upon opinions of the assistant general in favor of claimants in the cases of Loula West et al William C. Thompson et al and Richard B. Collman et al are rescinded in letter to you of this day the decision of the department in the Ethel Pierson case minor child of a Choctaw freedman is sustained in the opinion of the attorney general.

E.A.Hitchcock, Secretary."

Secretary S,

In view of the facts in the case set out in said decision of the Commissioner and in view of the instructions of the Department as contained in said telegram, I would respectfully recommend that the decision of the Commissioner, under date of September 25, 1904, be not concurred in and that the former decision of the Commission, under date of May 21, 1903, be allowed to stand.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Form No. 280.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED
23,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

ROBERT G. CLOWRY, President and General Manager.

Receiver's No.	Time Filed	Gov't Paid.	Check
----------------	------------	-------------	-------

SEND the following message subject to the terms
on back hereof, which are hereby agreed to.

Muskogee, I. T. Mch. 1, 1907.

Secretary of the Interior,

Washington, D. C.

Referring to Departmental letter of February nineteen, nineteen hundred and seven (I. T. D. 3650-1907), affirming decision of Commissioner in Creek enrollment case of Jennie Johnson, et al., your attention is invited to report of this office of February twenty-seventh relative to said case in which recommendation was made that applicant be denied in view of opinion of Attorney General of February nineteen, nineteen hundred and seven.

BIXBY, Commissioner.

READ THE NOTICE AND AGREEMENT ON BACK.

Refer in
in reply to the following
Land: 31218-1907.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 2, 1907.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental telegram to Commissioner Bixby of February 23, 1907, in reference to the partial rolls of Choctaw and Chickasaw Nations as to persons who have been enrolled thereon contrary to the views expressed by the Attorney General in the opinion of February 19, 1907, I have the honor to transmit herewith the report of Commissioner Bixby, thereto relative in the matter of Jennie Johnson for the enrollment of herself and four minor children.

Very respectfully,

G. F. Larrabee,

Acting Commissioner

LWA-8D.

4-

Your decision of May 11, 1902, is hereby affirmed.

A copy of Indian Office letter is enclosed herewith.

Your letter has been returned to the Indian Office, together with a copy thereof.

Respectfully,

H.A. Hitchcock,

Secretary.

I enclose with
copy herewith, to Ind. Of.

W.W. 2/5/07.

Cr. No. 1027.

Muskogee, Indian Territory, March 15, 1907.

E. Hastain,

Attorney for Jennie Johnson et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Jennie Johnson et al., as citizens of the Creek Nation.

Respectfully,

Commissioner.

LM

Gr. En. 1027.

Muskogee, Indian Territory, March 15, 1907.

Jennie Johnson,

Mounds, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself and minor children, Clarence, deceased, Fanny, Jennie Belle, Walter and John B. Johnson, as citizens of the Creek Nation.

Respectfully,

Commissioner.

IM

En. 1027

Muskogee, Indian Territory, May 27, 1907.

E. Hastain and W. A. Gibson,
Attorneys for Jennie Johnson, et al.,
Muskogee, Indian Territory.

Gentlemen:

There are transmitted herewith copies of Departmental letters of May 15 and 20, 1907, recommending that the motion filed by you in the matter of the enrollment of Jennie Johnson, et al., as citizens of the Creek Nation, be dismissed.

Respectfully,

MCPX

Commissioner.

Ex. 70.
1907.

Muskogee, Indian Territory, May 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted a motion, filed by E. Hestain and N. A. Gibson, attorneys for applicants, "to set aside the order of the Secretary of the Interior of March 4, 1907," in the matter of the citizenship of Jennie Johnson et al., in the Creek Nation.

Respectfully,

Commissioner.

JHM

COPY

GAW

I.T. 44521-1907.

Subject: Motion in Creek
citizenship case of
Jennie Johnson et al.

May 15, 1907:

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated May 4, 1907, transmitting a motion filed by E. Hastain and N. A. Gibson attorneys, to set aside the order of the Department of March 4, 1907, striking the names of Jennie Johnson et al from the roll of citizens of the Creek Nation.

In view of the provisions of Section 2 of the act of April 26, 1906 (34 Stat. L., 137), providing for the completion of the rolls of the Five Civilized Tribes on March 4, 1907, it is the opinion of the office that there is no authority to consider this motion, and it is recommended that authority be granted to so advise the Commissioner to the Five Civilized Tribes, and that the motion be dismissed.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

AJV-YHE

May 16, 1907.

Approved

James Rudolph Garfield

Secretary.

I. T. 44521-1907.

GAW

May 20, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to your report of May 4, 1907, there is inclosed copy of Office letter of May 15, 1907, approved by the Department on May 16, 1907, recommending that a motion transmitted by you, filed by E. Hastain and N. A. Gibson, to set aside the order of the Department of March 4, 1907, striking the names of Jennie Johnson et al., from the rolls of citizens of the Creek Nation, be dismissed.

You are requested to notify the interested parties of the action of the Department.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

AJW-FHE.

En. 1027

Muskogee, Indian Territory, May 27, 1907.

Jennie Johnson,

Mounds, Indian Territory.

Dear Madam:

There are transmitted herewith copies of Departmental letters of May 15 and 20, 1907, recommending that the motion filed by your attorneys, E. Hastain and N. A. Gibson, for the enrollment of yourself, et al., as citizens of the Creek nation, be dismissed.

Respectfully,

Incl.P-1
MMP

Commissioner.

Muskogee, Oklahoma, April 14, 1909.

Subject:
Status relative to
enrollment of Jennie
Johnson, et al.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to departmental letter of March 2, 1909 (File 5-61), requesting reports in certain cases where the Department rendered decisions authorizing and directing the enrollment of various persons as citizens or freedmen of the Five Civilized Tribes, and such decisions so rendered were subsequently rescinded or set aside by the Department, such reports to be rendered in compliance with the instructions in departmental letter relative to Cherokee Cases of Charles F. Burgess, et al., I have the honor to report relative to the matter of the application for the enrollment of Jennie Johnson and her children, Clarence Johnson, deceased, Fanny Johnson, Jennie Belle Johnson, Walter Johnson and John F. Johnson, as citizens by blood of the Creek Nation, as follows:

1. The names of Jennie Johnson, Clarence Johnson

Secretary--#2

and Fanny Johnson are found upon the 1890 authenticated Creek roll, Broken Arrow Town, but cannot be found upon the 1895 roll. Jennie Belle, Walter and John B. Johnson were born subsequent to the making of the 1890 roll, and their names are not found on any roll.

2. On July 30, 1900, Jennie Johnson appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and children. On May 11, 1901, the Commission rendered its decision denying said application, which decision was affirmed by the Department on January 29, 1902. On April 11, 1906 (I.T.D. 5844-1906), upon motion of Jennie Johnson, through her Attorneys, the case was reopened by the Department, and a further hearing was had before the Commissioner to the Five Civilized Tribes, on May 18, 1906. On September 25, 1906, the Commissioner rendered his decision therein, granting the application of said Jennie Johnson and her five children, Clarence, (deceased), Fanny, Jennie Belle, Walter and John P. Johnson, for their enrollment as citizens of the Creek Nation, and on the same date transmitted the record in said case, same being Creek Enrollment Case No.

Secretary-43

1907, to the Department for its consideration. On February 10, 1907, the Honorable Commissioner of Indian Affairs concurred in the decision of the Commissioner to the Five Civilized Tribes, and on February 19, 1907, the Department affirmed said decision (I.T.D. 650-1907). On February 23, 1907, the Department telegraphed the Commissioner to the Five Civilized Tribes as follows:

"To Bixby,

Commissioner, Muskogee, I. T.

You are directed to inspect the partial rolls of citizens of the Choctaw and Chickasaw Nation to determine what persons have been enrolled thereon contrary to the views expressed by the attorney general in opinion of February 19 copy sent you this day and whose names should be stricken therefrom. You will furnish the department a list of such names with roll numbers and give such information that it may readily determine whether such names should be stricken from the rolls. This information should reach the department before March first take like action relative to the rolls of Cherokee and Creek Nations. It was held in such opinion among other things that the decision of the Commission under act of 1896 not appealed from were final and that the decisions of the Choctaw and Chickasaw citizenship court were final whether claimants names was on tribal rolls or not. Decisions of the Department based upon opinions of the assistant general in favor of claimants in the cases of Loula Vest et al William C. Thompson et al and Richard W. Collman et al are rescinded in letter to you of this day the decision of the department in

Secretary--#4

the Ethel Pierson case minor child of a Choctaw freedman is sustained in the opinion of the attorney general.

E.A.Hitchcock, Secretary."

On February 27, 1907, the Commissioner to the Five Civilized Tribes recommended to the Department, in view of the instructions of the Department as contained in telegram above quoted, that his decision of September 25, 1906, be not concurred in and that the decision of the Commission to the Five Civilized Tribes, under date of May 11, 1902 (May 11, 1901), be allowed to stand. On March 1, 1907, the Commissioner to the Five Civilized Tribes telegraphed the Department as follows:

"Secretary of the Interior,
Washington, D. C.
Referring to Departmental letter of February nineteen, nineteen hundred and seven (I.T.D.3750-1907), affirming decision of Commissioner in Creek enrollment case of Jennie Johnson, et al., your attention is invited to report of this office of February twenty-seventh relative to said case in which recommendation was made that applicant be denied in view of opinion of Attorney General of February nineteen, nineteen hundred and seven.

BIXBY, Commissioner."

On March 4, 1907, (I.T.D.7846-1907), the Department rescinded its action of February 19, 1907, reversed the Commissioner's decision of September 25, 1906,

Secretary--45

and affirmed the decision of the Commission to the Five Civilized Tribes, of May 11, 1902 (May 11, 1901). On May 4, 1907, the Commissioner transmitted, for Departmental consideration, a motion, filed by the Attorneys of Jennie Johnson, to set aside the order of the Secretary of the Interior of March 4, 1907. On May 15, 1907 (I.T.44521-1907) the Honorable Acting Commissioner of Indian Affairs in a letter addressed to the Honorable Secretary of the Interior, recommended, in view of the provisions of Section 2 of the Act of April 28, 1906 (34 Stat. L. 137), providing for the completion of the rolls of the Five Civilized Tribes on March 4, 1907, that the motion filed by the Attorneys of said Jennie Johnson be dismissed, holding that there was no authority to consider same, which action of the Honorable Acting Commissioner of Indian Affairs was approved by the Secretary of the Interior on May 16, 1907.

. Application was made to the Commission to the Five Civilized Tribes in the year 1896 for the enrollment of said Jennie Johnson and her minor children, Clarence, Fanny, Jennie B., and Walter Johnson, as citizens of the Creek Nation, in accordance with

Secretary--46

the provisions of the Act of June 10, 1896 (29 Stat., 321), which application was denied by said Commission in Daves Commission Case No. 166. An appeal was taken from said decision of the Commission to the United States Court for the Northern District of Indian Territory, Court Case No. 56, which court affirmed the decision of the Commission.

4. There is with the files in said Court Case No. 56, the original judgment of the Court in full, not signed however but endorsed on back "Opinion of the Court." This opinion was never spread upon the records of the Court. The files in this Case are now in the possession of this office. This office is also in possession of an unsigned press copy of said judgment.
5. The names of these applicants were never listed on any card, therefore no certificates of allotment were issued.
6. No notice was given these parties of the proceedings looking to the rescinding of the decision rendered in their favor by the Department.
7. On March 4, 1907, the Department, in supposed

Secretary--7

Compliance with the opinion of the Attorney General
of February 19, 1907, rescinded its action of February
19, 1907, favorable to these applicants.

Respectfully,

SCP(MPS)

Commissioner.

Through the Commissioner
of Indian Affairs.

Land
28600-1909
J R D

Copy 97909

Enrollment case of
Jennie Johnson et al.

Jun. 7, 1909.

The Honorable,

The Secretary of the Interior.

Sir;

Referring to Departmental letter of March 2, 1909 (file 5-51), there is transmitted herewith a report of April 14, 1909, from the Commissioner to the Five Civilized Tribes relative to the Creek enrollment case of Jennie Johnson et al. The record and other papers are also inclosed.

In view of the Department's action of August 15, 1907, in the cases of Serena Bullocks and others, the Office is of the opinion that Department decision of February 19, 1907, granting the application of Jennie Johnson for the enrollment of herself and her children as citizens by blood of the Creek Nation, constituted, in legal effect, an enrollment, and consequently that the action of the Department on March 4, 1907, in rescinding without notice to the applicants its decision in their favor, was without authority of law. The Office believes the case comes within the principles announced by the Supreme Court of the United States in the Goldsby case (211 U.S. 249), and therefore recommends that Department action of March 4, 1907, rescinding the decision of February 19, 1907, therein, be considered as void.

L-28600-2

The Office further recommends that the Commissioner to the Five Civilized Tribes be directed to prepare roll schedules in the usual form, containing thereon the names of the applicants in the above mentioned case whose enrollment was approved on February 19, 1907, and to place thereon, for the signature of the Secretary of the Interior, the following notation:

"Enrollment approved by the First Assistant Secretary, Department of the Interior, February 19, 1907 (I.T.D. 3850-1907). I certify that this notation of enrollment is correct as shown by the records of the Department of the Interior."

Very respectfully,

(Signed) E.G. Valentine.

Acting Commissioner.

MM-1
1749

Copy.

NT DEPARTMENT OF THE INTERIOR.
WASHINGTON.

J.W.H.

97909

D-7619.

Dec. 7, 1909.

The Commissioner of
Indian Affairs.

Sir:

The Department has considered the Creek enrollment case of Jennie Johnson, et al., transmitted with your office letter of June 7, 1909 (Land 28600-1909), with a view to determining whether the applicants should be accorded the status of recognized citizens of the tribe.

September 25, 1906, the Commissioner to the Five Civilized Tribes rendered a decision holding that the applicants were entitled to enrollment. February 15, 1907, the Commissioner of Indian Affairs reported to the Secretary of the Interior concurring in the decision of the Commissioner to the Five Civilized Tribes. The Department affirmed said decision February 19, 1907.

In supposed compliance, however, with the opinion of the Attorney General of February 19, 1907, relating to the Choctaw cases of Lula West and others, the Secretary, on March 4, 1907, rescinded the decision theretofore rendered by him in their favor. Reporting in the matter April 14, 1909, the Commissioner to the Five Civilized Tribes stated that no notice was given these parties of the proceedings looking to a rescinding

of the decision rendered in their favor by the Department.

The recommendation of your office is to the effect that those applicants should be accorded the status of recognized and enrolled citizens of the Creek Nation. In connection with this recommendation, the view is expressed that the decision of the Secretary of the Interior of February 19, 1907, adjudging the applicants to be entitled to enrollment constituted, in legal effect, an enrollment of those persons. This conclusion was based upon departmental decision of August 15, 1907, in the case of Serena Bullock, et al. Your office also expressed the opinion that this case comes within the principles announced by the Supreme Court of the United States in the Goldsby case (211 U.S., 249), and, therefore, recommended that the decision of the Department of March 4, 1907, rescinding its decision of February 19, 1907, be considered as void. In all material respects, this case is similar to that of Minerva F. Swadley, in which decision adverse to the applicant was rendered by the Department August 9, 1909. That decision is regarded as controlling in the present case. Therefore, the Department must conclude that there is no further action which can or should be taken by it in the matter of the enrollment of the said Jennie Johnson and her children. The papers transmitted by your office are herewith returned.

Very respectfully,

(Signed) Frank Pierce.

First Assistant Secretary.

56
Indexed

Commissioner to the Five Civilized Tribes.

Received Dec. 13, 1909.

No 2109

Indian Office,

Hauke,

Washington, D.C.,

Dec. 11, 1909.

Advises that the Department
decided that no further action
be taken in Creek enrollment
case of Jennie Johnson, et al.

1-41211

Land
Population
1900-1909
J. E. D.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Dec. 11, 1909.

Enrollment claim of
Jennie Johnson, et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 14, 1909, relative to the Creek enrollment case of Jennie Johnson, et al., you are advised that on December 7, 1909, the Department held that their case was similar to that of Minerva P. Swadley, in which a decision adverse to the applicant was rendered by the Department of August 9, 1909. The Department, therefore, decided that there was no further action which could or should be taken by it in the matter of the enrollment of Jennie Johnson and her children. You are requested to notify the applicants or their attorneys.

A copy of Department decision of December 7, 1909, is transmitted herewith for your information and guidance. A copy of Office letter of June 7, 1909, is also inclosed for your information.

Very respectfully,

(Signed) C. F. Hays

Chief Clerk.

CHK-10,
6524

Muskogee, Oklahoma, January 4, 1910.

Mr. H. H. Gibson,
Attorney at Law,
Muskogee, Oklahoma.

Sir:

Referring to the application for the enrollment of Jennie Johnson and her children, Clarence Johnson, deceased, Fannie Johnson, Jennie Belle Johnson, Walter Johnson, and John B. Johnson, as Creek citizens, you are advised that on December 7, 1909, the Department decided that there was no further action that could or should be taken in the matter of the enrollment of said persons as citizens by blood of the Creek Nation.

Respectfully,

WHA(VR)

Acting Commissioner.

Muskogee, Oklahoma, January 4, 1910.

Mr. R. Hastings,

Muskogee, Oklahoma.

Sir:

Referring to the application for the enrollment of Jennie Johnson and her children, Clarence Johnson, deceased, Fannie Johnson, Jennie Belle Johnson, Walter Johnson, and John B. Johnson, as Creek citizens, you are advised that on December 7, 1909, the Department decided that there was no further action that could or should be taken in the matter of the enrollment of said persons as citizens by blood of the Creek Nation.

Respectfully,

WHA(VR)

Acting Commissioner.

Muskogee, Oklahoma, January 4, 1910.

Mrs. Jennie Johnson,
Mounds, Oklahoma.

Madam:

Referring to the application for the enrollment of yourself and your children, Clarence Johnson, deceased, Fannie Johnson, Jennie Belle Johnson, Walter Johnson, and John B. Johnson, as Creek citizens, you are advised that on December 7, 1909, the Department decided that there was no further action that could or should be taken in the matter of the application for the enrollment of your self and said children as citizens by blood of the Creek Nation.

Respectfully,

WHA(VR)

Acting Commissioner.

Land Office

DT-100-10

WM-10 6-10-15-Recd.

June 14, 1915.

SUBJECT: Transmitting letter of
Bosser & Bosser, relative to ap-
plication of Jennie Johnson, et al.,
for allotments in Greek Nation.

The Honorable,

Commissioner of Indian Affairs.

Sir:

I have the honor to transmit herewith letter of
Bosser, Bosser & Bosser, attorneys at law, of Muskegon, Michi-
gan, dated June 14, 1915, addressed to the Commissioner of
Indian Affairs, through the Superintendent for the Five Civiliz-
ed Tribes, Muskogee, Oklahoma, wherein they quote from letter
of Dr. Dwyer, Assistant Secretary of the Interior, to them,
relative to the applications made in behalf of Jennie Johnson
and her children to be accepted the status of enrolled citizens
of the Greek Nation and to be allotted lands as such.

The land indicated in their said letter is described
as follows:

SW 1/4 of SW 1, Lots 7 and 8, Southwest 9.44 acres
of Lot 10, North 8 acres of Southeast 10 acres of Lot 10,
Southwest 8.50 acres of southeast 10 acres of Lot 10 and
North 11.70 acres of Lot 10 of Section 17, Lot 11 of
Section 16, and North 21.50 acres of Lot 1 of Section 16,
Township 18 North, Range 7 East, containing 101.44 acres,

and they request to be furnished information concerning the status

of applications to take the above land in allotment now pending before the Indian Office or the Secretary of the Interior.

Regarding therein, it appears that the land described in the said letter of Henry. Foster & Sonson was sold at public auction on May 23, 1911, to Adela Farris of Choctaw, Oklahoma, for \$100.00, and that deed thereto was issued in her favor, executed and recorded at this office on June 20, 1912, and delivered on the same date, thus vesting the title thereto in her.

The records of this office show that application was made for the enrollment of Jennie Johnson and her four minor children, Clarence, Fanny, Jennie Belle and Walter Johnson, as citizens by blood of the Creek Nation on July 30, 1900, and thereafter, on May 11, 1901, the Commission to the Five Civilized Tribes rendered its decision holding that they were not entitled to be enrolled as citizens of the Creek Nation, which decision was affirmed by the Department on January 20, 1902. On April 11, 1904, (D. T. D. 5044-1904), upon motion of Jennie Johnson, through her attorneys, the case was reopened by the Department and a further hearing was had before the Commissioner to the Five Civilized Tribes on May 12, 1904. On September 22, 1904, the Commissioner rendered his decision there-

In granting the application for the enrollment of Jennie Johnson and her said minor children, together with one other, John B. Johnson, as citizens of the Creek Nation. On February 18, 1907, the Commissioner of Indian Affairs concurred in this decision, and, on February 18, 1907, said decision was confirmed by the Department (I. T. R. 5000-1907.)

On February 22, 1907, the Department wired the Commissioner to the Five Civilized Tribes as follows:

"To Binky,

Commissioner, Muskogee, I. T.

You are directed to inspect the partial rolls of citizens of the Cherokee and Chickasaw Nations to determine what persons have been enrolled therein contrary to the views expressed by the attorney general in opinion of February 19 copy sent you this day and whose names should be stricken therefrom. You will furnish the Department a list of such names with roll numbers and give such information that it may readily determine whether such names should be stricken from the rolls. This information should reach the Department before March first. Take like action relative to the rolls of Cherokee and Creek Nations. It was held in such opinion among other things that the decision of the Commission under act of 1886 not appealed from were final and that the decisions of the Cherokee and Chickasaw citizenship court were final whether claimants came on tribal rolls or not. Decisions of the Department based upon opinions of the assistant general in favor of claimants in the case of Louis West, et al, William C. Thompson, et al, and Richard B. Collins, et al, are reconsidered in letter to you of this day the decision of the Department in the Ethel Pearson case minor child of a Cherokee freedman is sustained

In the opinion of the attorney general.
E. A. Hitchcock, Secretary."

On February 27, 1907, the Commissioner to the Five Civilized Tribes recommended to the Department, in view of the instructions contained in the above quoted telegram, that his decision of September 25, 1906, be not censured in and that the decision of the Commissioner to the Five Civilized Tribes under date of May 11, 1901, be allowed to stand. On March 1, 1907, the Commissioner to the Five Civilized Tribes telegraphed the Department as follows:

"Secretary of the Interior,
Washington, D. C.

Referring to Departmental letter of February nineteen nineteen hundred seven, (I. T. D. 5000-1907), affirming decision of Commissioner in Creek enrollment case of Jennie Johnson, et al., your attention is invited to report of this office of February twenty-seventh relative to said case in which recommendation was made that applicant be denied in view of opinion of Attorney General of February nineteen, nineteen hundred and seven.

Sincerely,
Sizing, Commissioner."

On March 4, 1907, (I. T. D. 7016-1907), the Department rescinded its action of February 19, 1907, reversed the Commissioner's decision of September 25, 1906, and affirmed the decision of the Commissioner of May 11, 1901.

On May 4, 1907, the Commissioner to the Five Civilized Tribes

transmitted for Departmental consideration a motion filed by the attorneys of Jennie Johnson to set aside the order of the Secretary of the Interior of March 4, 1907. On May 14, 1907 (L. V. -4481-1907), the Commissioner of Indian Affairs, in a letter addressed to the Secretary of the Interior, recommended, in view of the provisions of Section 2 of the act of April 26, 1906 (34 Stat., L. 157), providing for the completion of the sale of the reserved rights of March 4, 1907, that the motion filed by the attorneys of said Jennie Johnson be dismissed, holding that there was no authority to consider same, which action was approved by the Secretary of the Interior on May 14, 1907.

It does not appear that any attempt has been made at this office by Jennie Johnson and her children to collect in allotment the land described in said letter of March 4, 1907. However, a notice, which is the land that was sold and patented to Adah Davis as aforesaid.

It does appear, however, that by letter of April 8, 1908, to the Bureau and Bureau. Franklin A. Garry, attorneys at law, Chicago, Chicago, received at this office on the same date, transmitted the application of Jennie Johnson, Mary F. Street, nee Johnson, and Jennie B. Walker, nee Johnson, and application made for Clarence Johnson,

described, to file on certain land in the Creek Nation therein described, allotted to citizens whose rights to enrollment had been questioned.

No record was made of these applications further than filing said letter of Mr. Eustain and Messrs. Franklin & Carey, and on April 9, 1915, said applications were returned to them and they were advised that it did not appear from the records of this office that any of the above named persons are enrolled citizens of the Creek Nation, and further, that by executive order of the President of the United States, dated March 11, 1915, the unallotted lands or public domain of the Creek Nation or tribe of Indians in Oklahoma, including any lands the title to which has been or may be recovered by the Creek Nation in any pending or other suits, or otherwise, had been temporarily withheld from allotment to the members of said nation or tribe.

They were further advised that inasmuch as the above mentioned persons are not enrolled citizens of the Creek Nation and that all unallotted lands or lands that may be recovered for said nation had been temporarily withheld from allotment by executive order, as above stated, and for other reasons, that this office was without authority

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CHICAGO, ILL.

1954

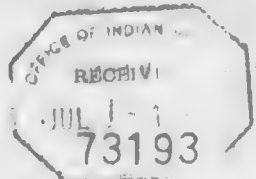
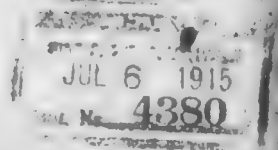
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DEPARTMENT OF THE INTERIOR

WASHINGTON

JUN 30 1915

D-39038



The Commissioner
of Indian Affairs.

Sir:

With your letter of May 22, 1915, you transmitted the papers connected with the application in behalf of Jennie Johnson et al., to be accorded the status of enrolled citizens of the Creek Nation, requesting that they be referred to the Solicitor for this Department "for his views as to what action should be taken in the matters presented." This reference was made and opinion rendered by the Solicitor under date of June 23, 1915. He reached the conclusion "that the Secretary of the Interior has no authority to place the names of these applicants on an approved roll of the Creek Nation, or to accord them the status of enrolled citizens."

4380

After rendition of this opinion, the attorney for applicants was afforded opportunity to present oral argument in the case and also to file additional brief.

I have considered this matter in connection with the briefs filed and oral argument presented by the attorney for claimants, and without discussing the various points raised I deem it only necessary to say that I concur in the conclusion reached by the Solicitor.

The decision rendered February 19, 1907, by the First Assistant Secretary, never passed out of the control of the Department and before his jurisdiction in such matters was terminated March 4, 1907, he recalled and vacated said decision.

These rolls of citizens of the Five Civilized Tribes were to be made by the Commission, commonly known as The James Commission, and when approved by the Secretary of the Interior were to be final or, as expressed in the act of March 1, 1901 (31 Stat., 861), commonly known as the Original Creek Agreement, as follows:

The rolls so made by said Commission, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons.

Until the Commission, or later the Commissioners to the Five Civilized Tribes should have made a list of individuals found to be entitled to recognition as citizens of the Creek tribe and that list had been approved by the Secretary, the making of the rolls was still in fieri. As was said by the Supreme Court in *Lowe v. Fisher* (223 U. S., 55, 107):

In all the legislation providing for the making of rolls care is observed to prevent or correct mistakes and to defeat attempts at fraud.

The action asked by the applicants would be equivalent to the adding of their names to the roll. The power in

the Secretary of the Interior to do that terminated March 4, 1907, under that provision in the act of April 26, 1906 (34 Stat., 137), which reads:

That the rolls of the tribes affected by this act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date.

The application of these parties to be accorded the status of enrolled citizens is hereby denied.

In connection with this application they have presented also separate applications to have allotted and patented to them certain described lands. In each such allotment application is embraced three classes of lands: (1) lands heretofore allotted to citizens of the Creek Nation for which allotment deeds have been issued; (2) lands which have been sold as surplus lands of that Nation upon which sales deeds have been issued; and (3) lands which it is alleged have never been allotted or patented but which have been withheld from allotment to members of said Nation by order of the Secretary of the Interior, dated March 11, 1915, approved by the President March 13, 1915. In view of the action taken upon the applications of these parties to be accorded the status of enrolled citizens, it is unnecessary to discuss these allotment applications. The parties not having the status of enrolled citizens, their applications are hereby denied.

Respectfully,

(Sgd.) BO. SWEENEY



D-39029

The Honorable,

The Secretary of the Interior.

Sir:

4380

A petition having been presented asking that Jennie Johnson and her children be accorded the status of enrolled citizens of the Creek Nation, and that they be allotted certain lands described in their several applications for allotment, the papers have been referred to me for my views as to what action should be taken in the matters presented.

In 1896, application was made to the Commission to the Five Civilized Tribes for the enrollment of Jennie Johnson and her children then living, under the act of June 10, 1896 (29 Stat., 321). This was denied and on appeal to the United States Court for the Northern District of Indian Territory, that rejection was affirmed. Upon further appeal to the Supreme Court of the United States, said decision of the United States Court was affirmed (174 U. S., 445). Afterwards, in 1900, application was again made which the Commission to the Five Civilized Tribes denied May 11, 1901, and that decision was affirmed by the Department January 29, 1902. Upon motion in behalf of the applicants, the case was reopened and a further hearing had. September 25, 1906, the Commissioner to the Five Civilized Tribes rendered decision granting the application and

upon recommendation of the Commissioner of Indian Affairs the Department, February 19, 1907, affirmed this decision.

In a telegram dated February 23, 1907, the Commissioner to the Five Civilized Tribes was instructed to inspect partial rolls of the Creek Nation, as well as others, to determine whether names should be stricken therefrom because of an opinion of the Attorney General rendered February 19, 1907.

February 27, 1907, the Commissioner to the Five Civilized Tribes recommended that his decision of September 25, 1906, in the Johnson case be not concurred in and that the decision of the Commission, dated May 11, 1901, be allowed to stand. March 1, 1907, he again telegraphed, recommending that the application in the Johnson case be denied. March 4, 1907, the Department rescinded the action of February 19, 1907, reversed the Commissioner's decision of September 25, 1906, and affirmed that of the Commission of May 11, 1901.

Subsequently motion was filed in behalf of the Johnson family to set aside the order of March 4, 1907, which was denied May 25, 1907, upon the theory that there was no authority to consider it in view of the provision found in section 2 of the act of April 26, 1906 (36 Stat., 137). The provision in question reads:

That the rolls of the tribes affected by this act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date.

In 1909 another effort was made to secure recognition for these people as members of the Creek Nation. The Commissioner of Indian Affairs recommended that the decision of March 1, 1907, rescinding that of February 19, 1907, be considered as void, expressing the opinion that the Johnson case came within the principles announced by the Supreme Court of the United States in the Goldsby case (211 U. S., 249). The Department refused to accept this recommendation and held that the Johnson case came rather within the departmental decision of August 9, 1909, in the case of Minerva Swadley, and said

Therefore the Department must conclude that there is no further action which can or should be taken by it in the matter of the enrollment of said Jennie Johnson and her children.

A decision was rendered by the Secretary of the Interior in favor of Minerva Swadley February 16, 1907, and in pursuance thereof her name was placed upon the schedule of citizens by blood of the Choctaw Nation, but this schedule or roll was disapproved by the Secretary March 4, 1907. A decision in favor of the Johnson family was rendered February 19, 1907, but their names were never placed upon the schedule to be submitted for the Secretary's approval. The action of the Secretary rescinding the favorable decision in the Johnson case was at least the equivalent of his action disapproving the schedule in the Swadley case.

The first case presented is as to the jurisdiction of the Secretary of the Interior in view of the Act of April 26, 1906 quoted heretofore. In support of the power of the Secretary the Supreme Court in the case of *W. A. Fisher* (223 U. S. 393, 1911) after reading the collections made in that case

held that the Secretary of the Interior has the power of revision and approval of the land grant when jurisdiction was expressly given him by the Act of April 26, 1906 (34 Stat. 122, 1906), that is, the fourth day of March, 1907.

The plan of the Secretary of the Interior is not to interfere with the jurisdiction of the State but to avoid this plan by the addition of any land to the public domain. The jurisdiction of the Secretary of the Interior is not to be avoided and is law enforced. In support of this position it is properly asserted that the plan of the Secretary of the Interior is not to be avoided and is law enforced. This contention is not only proper but is taken. The duty of approval applies the law of examination and the exercise of discretion and judgment. It was not, in this instance, a mere ministerial act.

The appearance of his name on a roll approved by the Secretary of the Interior is made by the various laws a requisite of recognition of any person as a member of any of the Five Civilized Tribes. Thus, in the act of March 1, 1901 (31 Stat., 861), ratifying what is commonly known as the original Creek Agreement, there appears this paragraph:

The rolls so made by said Commission, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made and to no other persons.

The attorneys for claimants here lay down the proposition that one who has acquired rights by an administrative or judicial proceeding can not be deprived of those rights without notice and an opportunity to be heard, and then cite in support of that proposition the case of *Garfield v. McCabe* (211 U. S., 249) for the reason, as they assert, "that it not only states this principle but is identical in all respects with the one under discussion." That case is, however, quite different or different in a very material respect to the one here. There the Secretary had decided in favor of the applicant, had placed his name upon the rolls, had approved those rolls, they had been certified to the Commission, an allotment certificate had been issued, and the applicant was in possession of lands as his allotment.

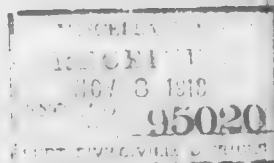
The Court there mentions each successive step as if each were an important factor in the final award of citizenship. That case is not authority here where so many of the apparently important factors are missing.

After consideration of this matter in the light of the able and comprehensive brief filed in behalf of the applicants, I am forced to the conclusion that the Secretary of the Interior has no authority to place the names of these applicants on an approved roll of the Creek Nation, or to accord them the status of enrolled citizens of that Nation. Their applications to be thus recognized should be denied.

In connection with their applications for recognition they have filed also applications for allotments of specific tracts of land. These tracts embrace three classes: (1) lands heretofore allotted to citizens of the Creek Nation for which allotment deeds have been issued; (2) lands which have been sold as surplus lands of that Nation upon which sales deeds have been issued; and (3) lands which it is alleged have never been allotted or patented. In view of the conclusion reached as to the jurisdiction of the Secretary in the premises, it seems unnecessary to discuss these allotment applications or the liability of the different classes of lands mentioned to be now disposed of by way of allotment.

Respectfully,

(Sgd) Preston C. West
Solicitor,



IN THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

The United States of America Ex Rel.)
Jennie Johnson, Mary F. Street, former-)
ly Mary Fanny Johnson; Jennie B. Wallace,)
formerly Jennie Belle Johnson, et al.,) No. 3187.
Appellants,)
v.)
Franklin K. Lane, Secretary of the Interior.)

The appellants, claiming to be blood Indian members of the Creek Tribe or Nation of Indians in the State of Oklahoma, applied to the court below for a writ of mandamus directed to the Secretary of the Interior, and commanding him to place their names upon the approved rolls of the members of that nation and to accord to them the status and rights belonging to such members. The application was denied and they appeal.

The Act of Congress, June 28, 1898 (30 Stat., 495), authorized and directed the Dances Commission "to make correct rolls of the citizens by blood" of the Five Tribes of Indians of which the Creek Nation was one. Under the Act of March 1, 1901 (31 Stat., 841, 870), ratified by the Creek Nation, it was provided that "all citizens who were living on the first day of April, eighteen hundred and ninety-nine, entitled to be enrolled under the Act approved June twenty-eighth, eighteen hundred and ninety-eight, shall be placed upon the rolls to be made by said Commission," and that the rolls thus made, "when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons." The Dances Commission was abolished in 1904 (33 Stat., 128), and all its powers were vested in the Secretary of the Interior after July 1, 1903, by the Act of March 3, 1903 (33 Stat., 1044) (1039). This latter Act provided that the "work of completing the unfinished business, if any, of the Commission to the Five Civilized Tribes shall devolve upon

the Secretary of the Interior." To aid him in the performance of this work the Secretary, on June 26, 1906, selected Tom Bixby whom he designated as a "commissioner." This commissioner had no statutory or other authority except that derived from the Secretary by virtue of his appointment.

The appellants, Jennie Johnson and her children, applied to Bixby to have their names placed upon the roll of the Creek Nation. Bixby examined their claims, found that they were entitled to be enrolled and granted their application, September 26, 1906. He was then in Muskogee, Indian Territory, from which place he forwarded his decision to the Commissioner of Indian Affairs for his consideration. On February 15, 1907, the Acting Commissioner of Indian Affairs recommended to the Secretary of the Interior that the decision be approved. A few days thereafter the Acting Secretary wrote to Mr. Bixby at Muskogee that his decision had been affirmed. On the same day on which he received this letter he also received a telegram from the Secretary to the effect that the Attorney General had rendered an opinion which was inconsistent with the decision which had been reached by the Department of the Interior in certain cases affecting the rights of the Indian tribes. Upon an examination of this opinion the commissioner reached the conclusion that it was not in harmony with his decision in the Johnson case and he, on February 27th, wrote to the Secretary asking that his decision in that case be not concurred in. This letter, it appears, was sent before he had received the Acting Secretary's letter affirming his decision. March 1st, not having received any response to his letter of February 27th, he wired the Secretary, calling attention to the letter and his recommendation therein. The Secretary, on March 4th, rescinded the action of the Acting Secretary in approving the commissioner's decision, and on the same day notified Mr. Bixby.

Up to this time the names of the appellants had not been placed upon the rolls in response to the recommendation of the commissioner, nor have they ever been placed there, and of course the rolls with their names upon them were never approved by the Secretary of the Interior as required by the Act of March 1, 1901, supra.

The Act of March 26, 1906 (34 Stat., 137), provided -

"that the rolls of the tribes affected by this act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve enrollment of any person after that date."

The Creek Nation is one of the tribes affected.

The contention of the appellants is that the letter of the Assistant Secretary of the Interior, February 19, 1907, affirming the action of Commissioner Dixy, gave to them the right to have their names placed upon the rolls; that this right could not be taken from them without notice and an opportunity to be heard; that the action of the Secretary canceling his affirmance of the commissioner's decision is void; and hence that it is the clear duty of the present Secretary of the Interior to place their names upon the rolls.

There are two answers to this contention. In the first place, it is provided by the Act of 1906, supra, that after the 4th of March, 1907, "the Secretary of the Interior shall have no jurisdiction to approve enrollment of any person." If we should now grant the application of the appellants to direct the Secretary to place their names upon the rolls and approve their enrollment, we would require him to do that which under the act of Congress he has no power to do. That we may not do this is so obvious that argument is unnecessary. Of course if, as in Garfield v. Gallagher (201 U.S., 249), the Secretary, after having approved the enrollment of the appellants, had struck their names from the rolls without notice, the question would be quite different. In such a case they would be deprived, without due process, of the right accruing to them by the enrollment.

In the second place, the appellants were given no right by the affirmance of Commissioner Dixby's decision. He did not hold an office created by statute. He had no powers but those given to him by the Secretary of the Interior. Until his action was approved by the Secretary, it had no legal effect. When approved it became the act of the Secretary. Even then it was nothing more than a declaration that the appellants were entitled to be enrolled. The statute under which appellants claim attached no legal significance to such a declaration. Their rights could come, not from a communication by the Secretary to one of his subordinates like Commissioner Dixby, that in his judgment they were entitled to enrollment, but from the fact of enrollment, coupled with the Secretary's approval thereof. This is manifest from the Act of March 1, 1901, *supra*, which says that the rolls "when approved by the Secretary of the Interior" shall be the rolls "upon which the allotment of all lands and the distribution of all moneys, and other property of the tribe shall be made, and to no other persons." By revoking this action in affirming the decision of Commissioner Dixby, the Secretary, in the exercise of the discretion vested in him by Congress, decided, while he still had jurisdiction of the matter, that the appellants were not entitled to enrollments and the discretion thus exercised is not subject to the control of the courts (United States Ex Rel. Ashley v. Rorer, 48 App.D.C., 69, 75, and cases cited there).

There is no analogy between this case and public land cases in which a party makes proofs which are accepted by the local land office and pays his money for the land. In such cases the receiver's final receipt "is an acknowledgment by the government that it has received full pay for the land and that it holds the legal title in trust for the settler and will in due course issue to him a patent." (United States v. Detroit Lumber Co., 200 U.S., 321, 327). The settler's equity is based on what he did at the invitation of the government, but here the appellants did nothing of that character. In truth they are not precluded

ing their claim upon anything done by them but on the act of the Secretary of the Interior which, as we have seen, gave them no right or privilege.

United States of America vs. Sub.
 The judgment of the lower court is affirmed, with costs.
 By Mary Francis Johnson, Justice of the Supreme Court,
 formerly, Justice of the Supreme Court, et al.,
 appellants,
 No. 1117.

v.

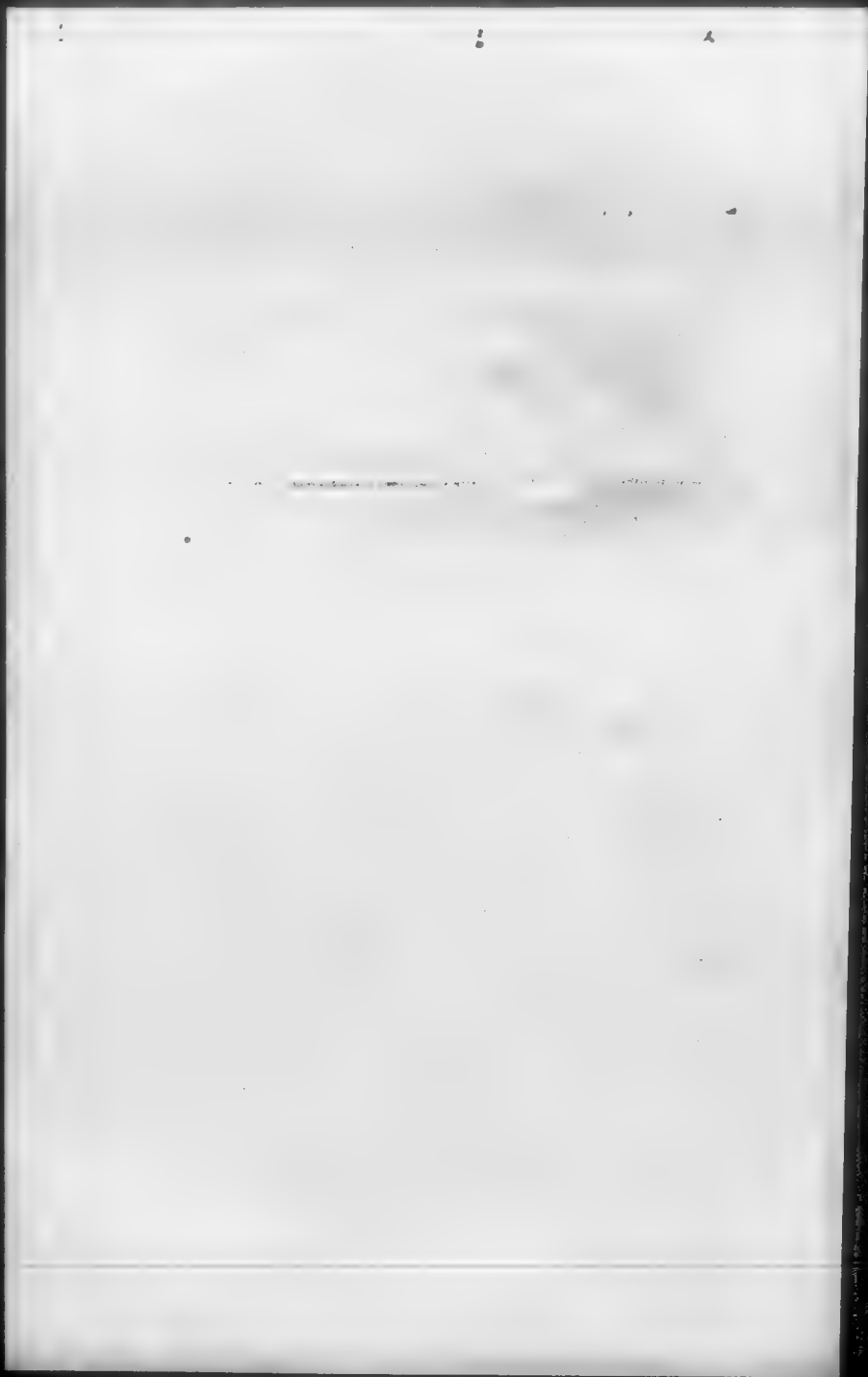
Franklin K. Lane, Secretary of the Interior.)

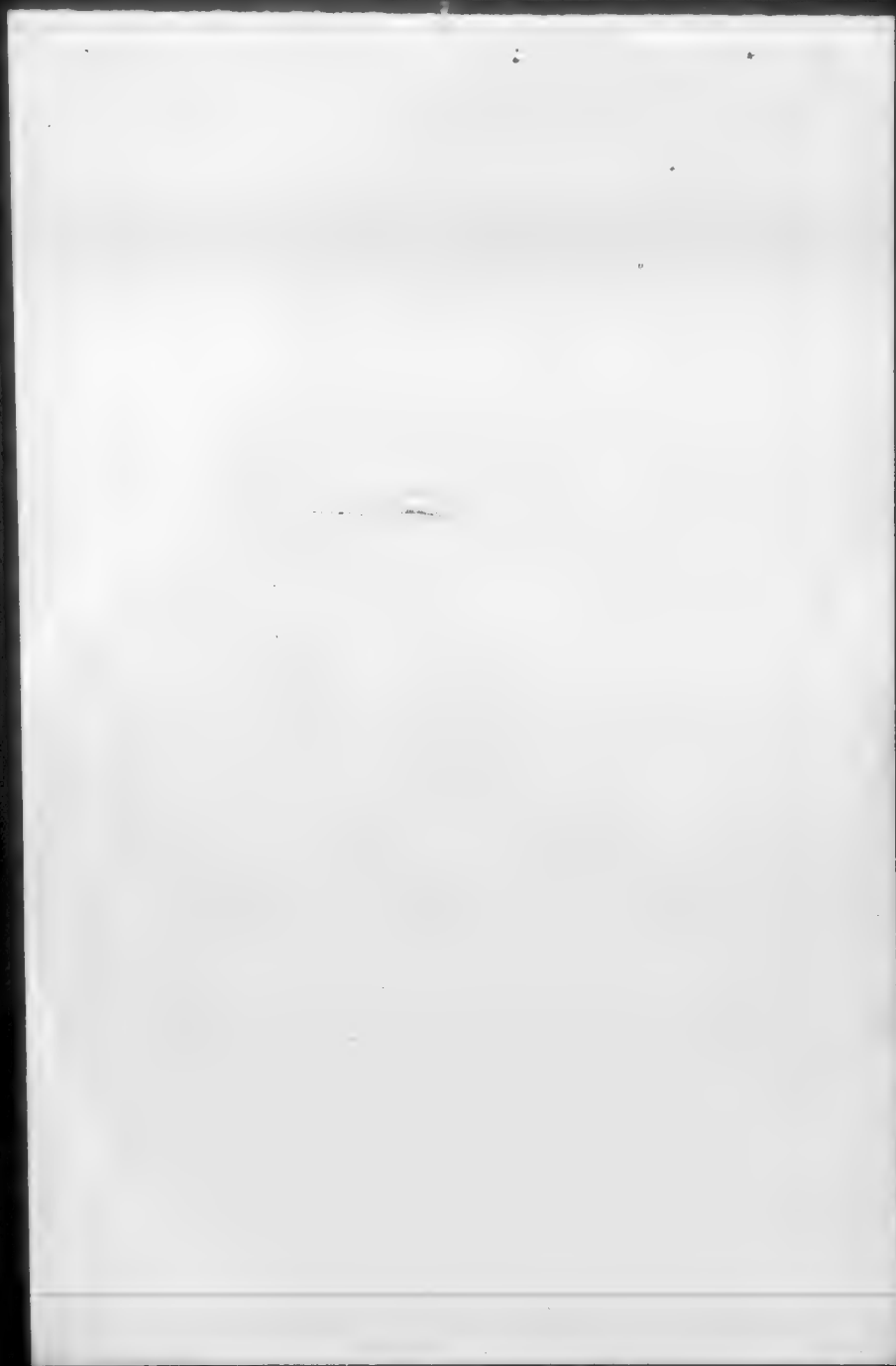
Chief Justice.

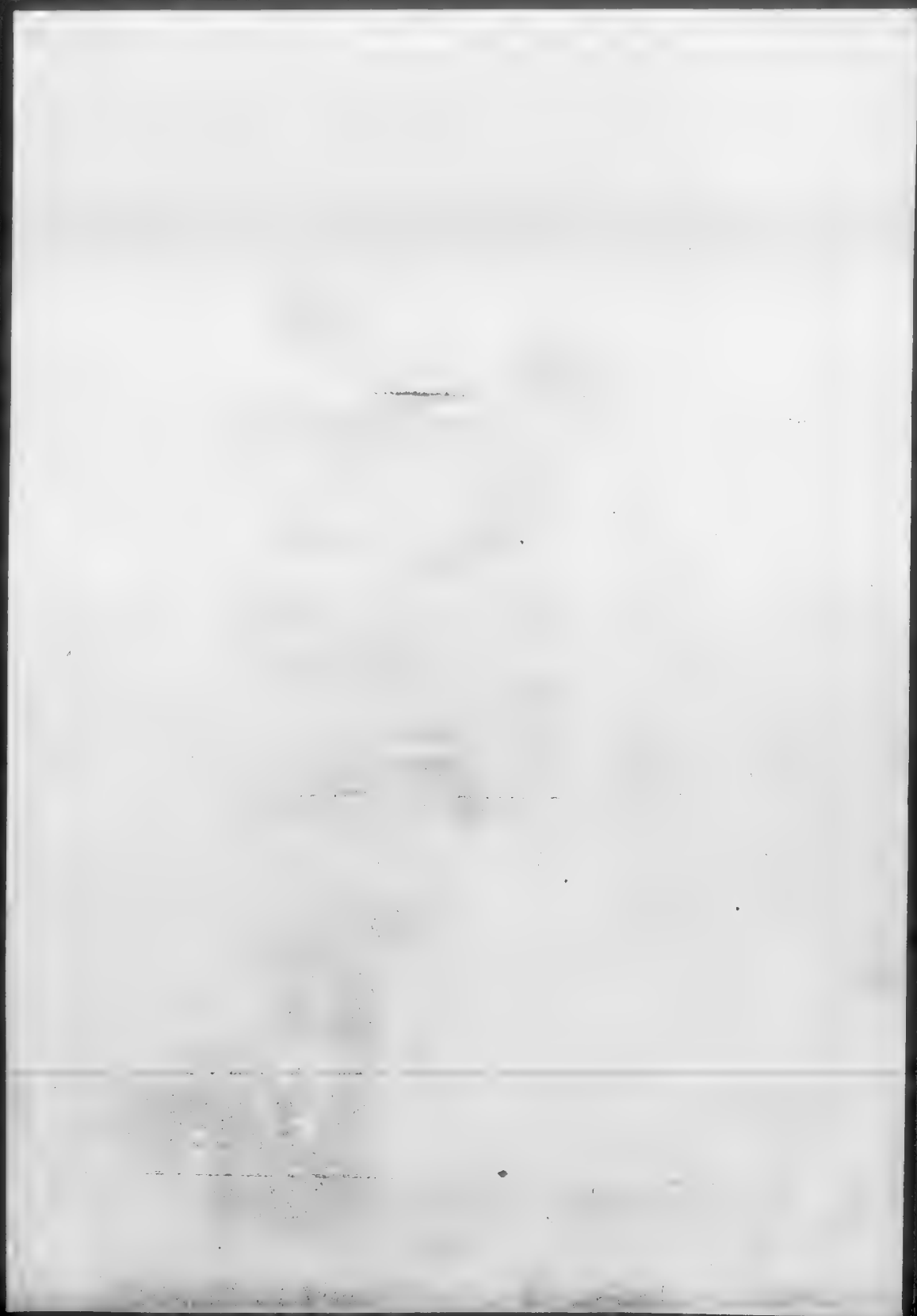
Affirmed. The Commission, created by the United States of America vs. Sub. 1117, applied to the Secretary of the Interior, and requesting him to place their names upon the approved rolls of the members of that nation and to accord to them the status and rights belonging to such members. The Commission was denied and they appeal.

The Act of Congress, June 20, 1898 (30 Stat., 495), authorized and directed the Census Commission "to make correct rolls of the citizens of blood of the Five Civilized Tribes of Indians of which the Creek Nation was one. Under the Act of March 1, 1901 (31 Stat., 601, 670), entitled by the Creek Nation, it was provided that "not more than one living in the Creek Nation of blood, sixteen hundred and thirty-eight, entitled to be included under the first approved June twenty-eight, eighteen hundred and thirty-eight, and shall be placed upon the rolls to be made by said Commission," and that the rolls thus made, "when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, and shall be the basis of all lands and the distribution of all money and public property of the tribe shall be made, and to no other persons." The Census Commission was dissolved in 1906 (35 Stat., 100), and all its powers were vested in the Secretary of the Interior after

July 1, 1906, by the act of March 2, 1906 (34 Stat., 1004, 1005). This latter act provided that the "work of completing the unfinished business, if any, of the Commission in the Five Civilized Tribes shall devolve upon the







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CR EN 1028

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 22, 1906.

In the matter of the alleged application for the enrollment of Charles Hawkins, Mamie Hawkins and Charlie Hawkins for enrollment as Creek freedmen.

Office of Creek attorney communicated with by telephone and this office was advised that the Creek attorney was not in.

CHARLES HAWKINS, being duly sworn, testified as follows

- Q What is your name? A Charles Hawkins.
Q What is your age? A Thirty seven this coming October.
Q What is your post office address? A Grayson, Indian Territory.
Q Why do you come here now? A I come now to get my rights through or get them finished up so I can get my allotment.
Q Did you ever make application for enrollment? A The only application I ever made was when I was here.
Q When was that? A 1903, 24th of September.
Q Are you sure you were before the Dawes Commission at that time? A I came before a man and gave in testimony.
Q Were you sworn at that time? A No, sir.
Q Then you didn't give any testimony then? A I was sitting talking just like I am now to this lady.
Q Who was writing? A The man I was talking to.
Q And was there a stenographer taking it down like this lady is now? A I don't really know.
Q Remember you are under oath, think what you are saying and if you swear to something under oath that is not true that is perjury; you just told me the man himself was taking it down--A That's the way it was, I was talking to him and he was taking it down.
Q Today is not like it was before then, the man himself was taking it down and there was no stenographer taking it down like there is now? A The gentleman could be a stenographer too couldn't he. He was writing.
Q And you were not sworn? A No, sir, after he got through talking he told me to bring my father and it would be all right.
Q What kind of a place did you come into, in what room? A I couldn't tell. It was on the second floor I think. I was only in 10 or 15 minutes, never been there before.
Q You don't know whether it was this room or a room in front, do you know on which side of the hall it was, whether on this side or the other? A I can't remember what side it was.
Q Do you know whether it was where Mr. Dixby is or back there? A We came up stairs and made a couple of turns and I don't know but I think it was a larger room than this.
Q Was there a stairway from the room going up stairs? A I never noticed any stairway.
Q Either up or down? A No, sir.
Q Was there a vault in the room? A I never noticed that.
Q How many men were there of the office in that room? A Just like I was sitting and this lady in front of me and another gentleman sitting like that, seemed like there was a lady, and sister was talking with a gentleman at the same time.
Q Was that the same room in which filing was going on? That's the day we filed the child; I suppose it was.
Q How do you remember it was September 24, 1903? A I have a record.
Q Do you have this piece of paper here, memorandum of selection of an allotment? A We have a memorandum of the day the baby was filed.
Q Then the time you claim to have come in and talked to this man was the time you got this memorandum of selection for Jennie Scott? A That's what was filed the child.
Q And then you talked a little about your own children? A Yes, sir.

Q Was that in the same room you did your filing? A I don't know
Q Were you present when your sister filed for Jennie Scott? A I was sitting talking while she filed.
Q Did you leave the room to go and talk to that other man about your case? A No, sir I didn't leave the room.
Q Now that was in the land office wasn't it? A I never noticed.
Q Don't you know that filing is done in the land office? A I don't know anything at all about it.
Q What kind of a looking man was this? A I didn't notice.
Q Didn't notice whether he was red-headed or white-headed? A He didn't look to be a very old man.
Q Was there anything peculiar about the looks of the man? A I never noticed.
Q Did he have glasses on? A I don't remember.
Q All that you know is this that you came into a room on the second floor; you are not sure it was this building? A It was in the Commissioner's office.
Q You say you don't know where it was? A It was in the Commissioner's office I supposed.
Q How do you know? A My sister said so.
Q But you don't from your remembrance know whether it was this building or not? A I couldn't swear.
Q But you do know it was on a second floor? A Yes, sir.
Q And you don't know whether it was on this side or that side of the hallway? A No, sir I couldn't swear that.
Q And you don't know whether it was the front or back of the hall? A Seemed to me it was near the middle of the building.
Q This is the middle of the building do you think it was in this room? A It was a bigger room than this.
Q Had you ever done anything at all about your own enrollment before that time? A No, sir.
Q And at that time all you did was to talk a little to that man and he told you to go and get your father? A Yes, sir.
Q What did you tell him about yourself? A I came in and sat down and he asked me what did I want and I told him I wanted to see something about my rights and he asked me who was my people and I told him and he asked me who was my town king and he asked if I was raised here and I told him. Then he asked me how many sisters did I have and brothers and I told him that and he asked me where my father lived and I told him and he said you will have to go and bring your father and everything will be all right and I told him "yes sir" and that's all I said and when sister got through we went. That's all he said.
Q Anything else? A I told him how long I was away from home in Ill. had just got home.
Q Did you tell him anything else? A He asked me another question; how long was I away and I said I went away in 1895 and I never said any more and he said when your father comes we will straighten it up all right. That was all that passed between us.
Q Is that all? A That is all I remember.
Q You positively swear that that is all? A That's all I remember.
Q And that is the first time you ever did anything? A Yes, sir.
Q You are positive that is all; you didn't even tell him what nation you wanted to be enrolled in? A He asked me my town king and about my father but as to the gentleman asking me of the nation I wanted to be enrolled in I don't remember.
Q And you don't remember telling him you wanted to be enrolled? A I didn't tell him that.
Q And it is also a fact that if that is all it is also a fact that you didn't say anything about your children? A I told you at the start that I told him about the children.
Q You didn't say anything of the children? A I told that at the start.
Q I asked you after you were under oath; I told you to tell everything. A I didn't tell you; I didn't think it was necessary to go over that question.
Q When I told you to tell everything I meant everything. I told you to tell everything that happened in the land office and you went ahead

and told a lot of things; you didn't say anything about the nation or about the children? A I told you at first and I thought I was under oath then.

Q Would you know that man you went before if you were to see him?

A No, sir I didn't pay any attention to him.

Q But you say you talked to him about ten minutes? A I wouldn't remember him.

Q The only time you ever made any attempt to be enrolled about two and a half years ago, such an important thing as that and you don't remember the man you talked to? A I wouldn't remember him.

Q Wouldn't swear that you talked to a man up here? A Yes, I swear I did that. It was in a larger room than this, I can say that.

Q Were there a lot of people, outsiders, in the room at that time? A At the time there was I and sister and Cera Holden, we three, and another came in.

Q And your sister was talking about the filing of her child while you were talking? A Yes, sir.

Q What is the name of your oldest child? A Mamie/.

Q The first time you didn't say anything about your two children, do you claim you talked to him about these two children? A Yes, sir I am certain sure.

Q Did you mention their names? A Yes, sir

Q What did you tell him? A He asked me how many children I had and I told him I had two, Mamie and Charlie.

Q How old is Mamie? A Seventeen this 4th of coming April.

Q How old is Charlie? A Born in 1903 but he is dead, died the 27th of September 1903. We have it recorded in the bible.

Q You are sure you talked about these children? A Yes, sir.

Q Why didn't you mention that a while ago? A We had done mentioned them is why I didn't.

Q How old was Charlie when he died? A He was a year and a few days old.

Q Was that child in here? A No, sir

Q Was it alive at that time? A Yes, sir

Q Sure of that? A Yes, sir.

Q How long after that before it died? A After we were here.

Q Yes? A I think it died in three days after we went back home.

It died the 27th and we were here the 24th.

Q Where did you live at the time you claim to have come in here? A At Grayson.

Q Did you live at the same place you do now? A Yes, sir.

Q How long had you been living there? A About a month.

Q Where had you come from? A From Chicago, Illinois

Q How long had you been there? A Went in 1895.

Q Where from? A From the Creek Nation; from home.

Q How long had you been in the Creek Nation at that time? A Nearly all my life; I was born in Texas but papa brought me home when I was about a year old.

Q And you lived here all that time? A Yes until 1895 and I went then to Illinois; I came back August 28, 1903.

Q Where was your dead child, Charlie, born? In Chicago; in Harvard a suburb of Chicago.

Q Where was Mamie born? A In Keopesten.

Q Are you sure of that? A I think so; we have it recorded.

Q How long had you been in Illinois before Mamie was born? A I wasn't married to Mamie's mother. I had been there but hadn't staid. I lived in state of Illinois in 1895 but I was in state of Illinois in '87 but didn't stay and then came back.

Q I asked you a plain question and tried to get your whereabouts. Where were you born? A In Jefferson, Texas.

Q How long did you live there? A I was brought here before I recollect anything.

Q How old were you when you came here? A I couldn't really say but about a year old.

Q Have you any recollection or information as to where you were brought? A I was too young to remember.

Q Have you ever heard where you were brought to? A I was brought to the Creek Nation.

- Q Have you ever heard where you were brought to? A I don't understand.
- Q You stated you never heard where you were brought to? A I heard I was brought to the Indian Territory, after I got large enough to recollect.
- Q Did you hear the place you were brought to? A I heard papa say where we stopped at.
- Q Where was that? A Down on Elk Creek.
- Q Are you sure you heard your father say that? A Yes, sir.
- Q You didn't hear him say the name of the place? A No, sir.
- Q How long did you stay there? A Not long; came up on the Arkansas.
- Q Creek or Cherokee Nation? A In the Creek Nation.
- Q How do you know? A I heard him say so.
- Q Are you sure he said in the Creek Nation; don't you know that this nation wasn't called the Creek Nation at that time? A I am going on what they say. I heard papa say the Creek Nation.
- Q Then where did you go? A Up here on the Arkansas river then they moved back about two and a half miles from Muskegee.
- Q Then where did you go? A I was raised up there until I went away.
- Q Did you live in the Creek Nation from the time you came here when you were a year old until 1895? A I had been away a while.
- Q Where did you go? A Out of the Creek Nation.
- Q I want to know where you went? A I went to Denison.
- Q How long were you there? A I was only there a week or two then came home.
- Q Then where? A Cairo, Illinois.
- Q How long there? A I followed a show; less than a year.
- Q Then where? A I came back home.
- Q To the Creek Nation? A Yes, sir.
- Q How long did you stay? A I didn't go any more out of the Creek Nation until 1895.
- Q How long from 1895, count back, had you been in the Creek Nation? A I couldn't really say just now.
- Q I will ask you again--how long from 1895? A I couldn't really tell you from '95 back not know exactly how old I was when I came here.
- Q If you didn't talk so much you would have time to count it up? A I am telling you what I know.
- Q Where were you when Mamie was born? A I was home.
- Q In the Creek Nation? A Yes, sir.
- Q Had you been out of the Creek Nation any time within a year before that? A Yes, sir. She was born in '88 and I hadn't been back home then for a little over a year and I was only home a little while when she was born. I hadn't been back ever eight months.
- Q How long did you stay with her? A Three or four months.
- Q Did you go together continuously at that time? A I didn't live right in her house.
- Q Did you live together as man and wife? A We weren't married but we lived together some.
- Q You hadn't been with her any time more than three months? A We might have been six months. We might have been together but we didn't live together but about three months.
- Q What was the name of that woman? A Ida Miller.
- Q Was she a state woman? A Yes, sir.
- Q She didn't claim any Indian blood? A No, sir.
- Q Is she living? A Dead.
- Q How long has she been dead? A We have it recorded.
- Q What is the name of the mother of this dead Charlie? A Mollie Hawkins.
- Q Is she living? A No, she is dead.
- Q Was she a citizen of the Creek Nation? A No, sir.
- Q So if these children have any rights they get them through you? A Yes, sir.
- Q Were you married to the mother of Charlie? A Yes, sir.
- Q Were you married to the mother of Mamie? A No, sir.

Q How do you know that Mamie is your child, if you were not married to her mother and only went with her three or four months?
A She told me.

Q When did she tell you, before or after? A Yes, she always said that.

Q Did she say that when you were first going with her. Did you hear of any one else going with her? A No, sir, I never heard of any.

Q What is the name of your father? A James Hawkins.

Q Living? A Yes, sir.

Q What is the name of James's father? A I don't know. I heard papa say Bob, that's all I heard.

Q Is that Bob living? A No, sir

Q When did he die? A I don't know.

Q What is the name of Jim's mother? A I couldn't tell.

Q Is she living? A No, sir.

Q How do you know? A I heard papa say.

Q Did you ever hear her name? A I don't recollect.

Q What is the name of your mother? A Mary Hawkins.

Q Is she living? A Yes, sir.

Q What is the name of her father? A I don't know.

Q Is she a citizen of the Creek Nation? A No, sir

Q Has your father any other children? A Yes, sir.

Q Name some of them? A Jennie Sheppard, Henrietta Bats, Harry Hawkins.

Q Any others? A Heetah Hawkins, Carrie Bruner and Charlotte, I don't know what her name is now, she was married lately.

Q Any others? A Mary Jones, my half sister, Jinnie Hawkins, Queenie Hawkins; Lizzie Bigsby, I don't know if that's her name now and Victoria Scott.

Q Has Henrietta Bats any children? A She has three.

Q Name one of them? A Godfrey.

Q Does James Hawkins recognize you as his son? A Yes, sir.

Q About how long did you live with him altogether? A I lived with my father until I went to Illinois in '95. I was with him off and on.

Q How long with him altogether, not counting the off and on? A Until I was nineteen years old.

Q You lived with Jim Hawkins until you were 19? A Yes, sir all my life.

Q And you never learned the name of his father and mother? A No, sir, I have heard him say but I don't remember.

Q Were they dead when you were born? A They were dead according to what they say when I was born.

Q Have you ever drawn any money from the Creek Nation or has any one drawn any for you? A I was small and never paid any attention to it.

Q Did you ever hear any was drawn for you? A I heard him say he drew for the children.

Q Did you ever hear any was drawn for you? A Near as I can get at it papa claimed to have drawn money for us children.

Q But you don't know whether he drew any for you? A Not as I know of; only to draw for the children.

Q What money was that he drew for the children? A The first recollection I have of any I was quite small I heard him say about the \$6.00 money

Q Is that the only money you ever heard about? A No, sir

Q What else? A Another time papa said \$29. I think the payment was; I heard him say \$29. I don't really recollect; I never paid any attention.

Q How old did you say you were now? A Thirty seven this coming October.

Q Now the \$29. was drawn if you are 37, was drawn when you were 21 years old? A I think you are about right.

Q Don't you know whether it was drawn for you or not? A I was just about grown must have been 20 or 21.

Q And you don't know any more about it than your father said he drew for some of the children? A Yes, sir

Q Did he say how many children? A He didn't tell us anything about it.

Q All I know I got some things.

Q And you didn't get any money? A Yes, I got some money; papa gave me money.

Q He gave you money all the time? A Yes, sir he get things for us.

Q But you don't know that any money was actually drawn for you, either from hearsay or your own personal knowledge? A Papa sent in all the children's names.

Q I asked you if you knew he drew it for you? A I couldn't swear that he drew for me. He said he drew for us children. Of course he drew for me. Did he tell you he drew for you? A He never told me definitely.

Q Do you know whether your name is on any of the tribal rolls of the Creek Nation? A I couldn't really tell you.

Q Do you know what Creek Indian town you claim to belong to? A Arkansas.

Q How do you know that? A Papa says so.

Q Are you sure papa told you that? A Yes, sir.

Q How do you know that? A I found it.

Q When did you find that out? A Quite a few years ago.

Q When did you find out-did you know at this time last year that your town was Arkansas? A I ought to know.

Q I am asking you what you know? A Yes, sir, I have known quite a while that our town was Arkansas.

Q Did you know it three years ago? A Longer than that.

Q Four years ago? A Longer than that.

Q Five years? A I have heard papa say Arkansas town.

Q How long 6, 7, 10, 20, 30 years? A When you get through I will tell you I guess I remember, I couldn't have been but a boy, I don't know how old I was but quite a sized boy.

Q Did you know it before you went to Illinois the first time? A Yes I remember before I went to Illinois.

Q Do you remember if Gabriel Jamison was town king before you went to Illinois? A I couldn't say that definitely but I heard of town kings a long time.

Q Where did you first get this information that Gabriel Jamison was town king? A I couldn't tell exactly.

Q Who is your town king now? A Gabriel Jamison.

Q All you know of having any town king was Gabriel Jamison? A Yes, sir.

Q The first move you ever made towards citizenship or was ever made for you was when you came in to the land office when your sister filed for her child Jennie and talked to a man, is that right? A The first move that I made in regard to my rights was when I came in here to see about filing.

Q You mean that time you talked about before when your sister came in for Jennie Scott? A That is all the time I came in to see about my rights.

Q Had any one else come in for you? A Not that I know of.

Q What had you been doing all those years? A I went to school; I was raised up here.

Q You or no one for you had made any application to the proper authorities of the Creek Nation or to the courts? A No, sir. We was always known as citizens. I never paid any attention. When I came I came to file; I thought I was on the roll.

Q Never had draw any money from the Creek Nation? A I told you papa drawed money for the children.

Q But you don't know whether he drew any for you? A He said for the children; he said "I sent in all the children's names." Papa sent it; I don't know.

Q You never went before any council or anything like that? A Never went before any council.

Q Have you any reason why the first thing you ever did was accidentally dropping in there with your sister a little over two years ago? A The reason was they wrote me and told me to see about my land and I came home in August 1903 and was coming down and sister had a wagon and I came with her to see about getting my land.

Q Were you present when your child Mamie was born? A No, sir.

Q How long after her birth before you saw her? A Going on three years.

Q Did she stay with her mother until she died? A Yes.

Q Were you with Mamie's mother at any time from the birth of the child until she died? A No, sir.

Q And then you went and got her when her mother died? A Yes.

Q Right away? A No, sir.

Q Were you at that Miller woman's funeral? A No, sir.

Q How long after her death before you had Mamie in your charge? A I couldn't tell you.
 Q How did you come to get her? A I knew of her.
 Q How old was she when you got her? A I think she was a little over three years old.
 Q And that was the first time you saw her? A I knew of her but that was the first time I saw her.
 Q How did you know that was the same child she said was your child? A She told me so.
 Q How did you know that was the child you hadn't seen it born and she didn't tell you it was the child when you went and got it because she was dead? A All I know is what she said.
 Q Did you go to Illinois to get it? A Yes, sir I went personally.
 Q How did you find Mamie? A I found her at Danvers Illinois.
 Q Did any one tell you that was your child Mamie? A Yes, sir.
 Q Who told you that? A My wife that is dead.
 Q What was her name? A Mollie Hawkins.
 Q Is Mollie dead? A Yes, sir.

VICTORIA SCOTT, being duly sworn, testified as follows:

Q What is your name? A Victoria Scott.
 Q What is your age? A Twenty eight.
 Q What is your post office address? A Grayson.
 Q What is the name of that baby of yours? A Mary Scott.
 Q Have you an older child? A Frances and Jennie.
 Q Are you a citizen of the Creek Nation? A Yes, sir.
 Q What is the name of your father? A James Hawkins.
 Q What is the name of your mother? A Mary Hawkins.
 Q Do you know the name of your father's father? A No, sir.
 Q Do you know the applicant here in this case? A Yes, sir.
 Q Any kin to you? A Yes, sir.
 Q How do you know, have you been living with him all the time? A Yes, sir raised together.
 Q Have the same father he did? A Yes, sir.
 Q Have the same mother? A Yes, sir.
 Q Is he older than you? A Yes, sir.
 Q How much? A I couldn't exactly tell. There is five children between me and him.
 Q What is the first time you remember having seen this man Charles Hawkins? A We was raised together.
 Q How old were you the first time you came to your recollection? A When I was five years old.
 Q And he was about fourteen? A Yes, he was right smart of a boy.
 Q Was that in the Creek Nation? A Yes, sir.
 Q Did you see him then right along for as much as ten years? A Yes, sir.
 Q Twenty? A I couldn't say twenty because when he got grown he went away.
 Q Did you live with him until you were fifteen? A Yes, sir.
 Q Sure of that? A Yes, sir.
 Q Did you live with him until you were as much as eighteen? A We didn't live together he was away.
 Q Was he in the Creek Nation until you were 18? A Yes, sir.
 Q And he is about ten years older than you? A Yes, sir I expect.
 Q Do you know anything about an attempted or alleged application on his part? A When he made his application.
 Q Do you know about any attempt he made to be enrolled? A He came down with me.
 Q When was that? A September 24, 1903.
 Q How did you come to be here? A I was filing for my child Jennie.
 Q Do you remember what room that was in? A Yes. Way back there by the water tank. On this side back by the water tank. I saw the man we was talking to and he is an old settled man.
 Q Did you hear him say anything in that room to your brother? A Yes, sir after I got through filing.
 Q Was it in the same room you are now filing? A Yes, sir.
 Q Didn't you file in the land office? A Yes, sir I filed in the office.
 Q You filed in the same room your brother Charlie did the talking to that

man? A Yes, sir It wasn't to the same table but it was in the same room.

Q And you knew the man he was talking to, did he talk to him while you were filing? A No, sir, afterwards.

Q Did you hear what was said? A I heard several things .

Q You didn't hear it all? A No, sir.

Q Now tell exactly what you heard, what Charlie said to the man and what the man said to Charlie? A He just said to him that he was wanting to file. I will state what Charlie said to him. Said he wanted to be enrolled and he asked him his name and he told him his name and he said to Charlie and he said to Charlie that he got to be enrolled that it wouldn't be any trouble and he took his name and his father's name and mine and told him to come back that same year. That was 1903 and that it wouldn't be any trouble for him to get on the roll. That is all I can think of.

Q Are you sure that is all that was said? A That is all I remember.

Q Weren't you present when everything was said? A No, sir

Q Didn't you say that you were there filing? A Yes, sir but I didn't hear all.

Q Weren't you close to Charlie at the time? A No, sir I came back in the hall ; I was there when they were talking but I came out before they got through.

Q You didn't hear him say anything about his children? A No, sir.

Q You didn't hear him say anything about the nation he thought he ought to be enrolled in? A No, sir I didn't stay in there long enough.

Q Didn't hear him state the name of his town king or name of his town? A No, sir

Q Was the man that he was talking to the same man that filed your child Jennie? A No, sir

Q Was he in the same room? A Yes, sir but he wasn't the one.

Q Are you sure that man you just looked at is the man your brother talked to? A Yes, sir.

The person referred to is Mr. Dawson ,now in charge of the recording division. It is here noted that Mr. Dawson has never been engaged in the Greek enrollment division, that he has been in charge of the recording division for some years and for a while was located in the Greek land office.

Q That is the only man you saw your brother talking to was the man you just looked at? A Yes, sir.

CORA HOLDEN, being duly sworn, testified as follows:

Q What is your name? A Cera Holden.

Q What is your age? A Nineteen.

Q What is your post office address? A Grayson.

Q Do you know Charlie Hawkins the applicant here? A Yes, sir. I got acquainted with him the year he came down here.

Q Didn't know him before that? A No, sir

Q Any kin to him? A No, sir

Q Are you a citizen of the Greek Nation? A No, sir.

Q Did you come with him that time? A Yes, sir

Q How did you happen to come? A I came with his sister Mrs. Scott; she got me to come with her.

Q Where did you and Mrs Scott and Charlie come? A When we left here?

Q When you came here? A Why we came in here.

Q In this room? A Seem like to me it is.

Q This Greek enrollment division has been in this room only since the last of last September and before that Mr. Dawson in charge of the recording division was in this room. Would you know the man again if you were to see him? A Yes, sir.

Q Tell exactly what passed between that man and Charlie or any of you people as near as you can remember? A When he came in Mrs Scott was doing her business; he had the gentleman look over the roll book.

Q Is that all you saw or heard? A That's all I saw; I didn't pay much attention.

Q Didn't hear Charlie say anything did you? A He was speaking about his name being on the roll book. I believe that is all I remember and he got the roll book and looked to see if he could find his name on there.

Q You think it was in this room do you? A Seems to me it was.

Q Did you go to another room? A No, sir

Q Did you see Charlie go to any other room? A No, sir

Q Came right in this room and then went right out? A Yes, sir.

Q Did you hear the man tell Charlie anything? A He asked him had he drawn some money, asked him that and I think Charlie told him "Yes".

Q Are you sure of that? A Yes, sir.

Q We asked Charlie if he ever drew any money and he said he hadn't. Were you in the room all the time Charlie was talking to that man? A I was in the room until Mrs. Scott got through her business and when she got through we went out and left him in there.

Q You don't know whether he did anything while you were out? A No, sir

Q All you know is that little bit you heard? A Yes, sir.

Q Did you see any one taking down what Charlie said like this lady is now? A I don't know.

Q You ought to know whether you saw that or not. Was Charlie sitting down? A He was standing up.

Q All the time you heard him talking? A Yes, sir

Q Are you sure of that? A Yes, sir

Q And you didn't know him before that day? A No, sir

Q Never saw him? A No, sir.

CHARLES HAWKINS RECALLED:

Q At the time you were talking to this man were you standing up or sitting down? A Sitting down all the time; all the time I was talking to him.

Q This woman says you were standing up? A I was sitting down

Q Would you know the man? A No, sir

Q Did he have a mustache? A I couldn't tell that.

Q When did you first get acquainted with Victoria Scott? A I forget what year she was born but I have been acquainted with her all her life.

Q You grew up with her? A Yes, I have been acquainted with her all her life. I have been away from home a few years.

Q Was it while you were with the show that you went with this Miller woman? A It was after I quit the show.

Q Then did you come back to the Greek Nation? A Yes, sir I wasn't at that time away from home only a little over a year and then I went back again to the state of Illinois in 1895.

Q And that's where you had that dead child? A The child that is dead now was born in the suburbs of Chicago.

Q Have you ever been in the penitentiary? A For one year.

Where was that? A In Detroit, Michigan.

Q What did they send you up for? A I bought a span of mules for a man and he gave me authority to sell them; disposing of mortgaged property.

Q Ever been in jail on any other charge? A An hour or two for gambling.

Q How many times have you been tried for any offense? A They didn't do anything to us for gambling and convicted and served a year and a day for disposing of mortgaged property.

NAMIE HAWKINS; being duly sworn testified as follows:

Q What is your name? A Namie Hawkins.

Q What is your age? A I will be 17 the 4th of next month.

Q What is your post office address? A Grayson.

Q What is the name of your father? A Charles Hawkins.

Q Is he living? A Yes, sir.

Q How do you know he is your father, he wasn't present when you were born nor married to your mother? A I guess so.

Q He says he wasn't? A I guess he knows.
 Q How do you know he is your father? A I don't know.
 Q He wasn't present when you were born? A So he says.
 Q When did you first see him? A I was about two years old.
 Q Do you remember seeing him then? A Yes, sir.
 Q Where was that? A Here in the Creek Nation I think or in Illinois.
 Q You came here and saw him? A I am not positive whether it was here in the Creek Nation or in Illinois.
 Q Did you ever hear of having any other father besides him? A No, sir.
 Q What was the name of your mother? A Ida Miller so papa says.
 Q You don't remember your mother? A I don't.
 Q Do you know Jim Hawkins? A Yes, sir.
 Q Did you ever hear that he was any kin to you? A My grandfather.
 Q When did you first hear that? A Ever since I have been large enough to know anything.
 Q Did he ever tell you he was your grandfather? A He did.
 Q When? A The first time I saw him.
 Q When was the first time you saw him? A It has been a long time.
 Q How old were you the first time? A I don't know.
 Q But you knew the first time you saw him he said he was your grandfather? A Yes sir but it has been a good while ago.
 Q Have you ever heard who your father's mother was? A No, sir I never have.

CHARLES HAWKINS RECALLED:

Q Is this (Mr. Dawson) the man you talked to that time? A I couldn't really say.

VICTORIA SCOTT RECALLED:

Q Look at Mr. Dawson and say if you know whether he is the man Charles was talking to that time? A I believe he is the man.
 Q And you believe it was in this very room? A No it was in the room that he was sitting in.
 Q You are sure that it was this man? A I am not certain but I believe that he is the man.

CORA HOLDEN RECALLED:

Q Look at Mr. Dawson and tell whether he is the man you saw Charles talking to? A Yes, sir.
 Q Are you sure of that? A Yes, sir.
 Q In this room was it? A It seems to me it was in this room but I didn't pay much attention.

C.S. DAWSON, being duly sworn, testified as follows:

Q What is your name? A C.S. Dawson.
 Q You are an employe of the Commission? A Yes, sir.
 Q What is your position here? A Chief clerk of the recording division.
 Q How long have you been at that? A A little over four years.
 Q How long have you been in your present room? A We moved in last September.
 Q And before that you were in this room we are in now. Do you remember how long you were in this room? A We moved from the land office room in here, I think a little over two years ago.
 Q You were in here over a year? A Yes, sir.
 Q Before you moved to this room you had temporary quarters in the Creek land office? A Yes, sir.
 Q While in there you never heard any applications for Creek enrollment? A No, sir.
 Q Do you remember having had a talk with this man Charles Hawkins or having seen any of these people and told them whether they were on the Creek roll or drew any money? A No, sir.

ADJOURNED.

HEARING resumed March 27, 1906.

APPEARANCES: V.J. Crump attorney for applicants.
Herriott Kelick representing M.L. Mett
attorney for Creek Nation.

JIM HAWKINS, being duly sworn, testified as follows:

Q What is your name? A Jim Hawkins.

Q What is your age? A About sixty one.

Q What is your post office address? A Grayson.

Q Do you know the alleged applicant in this case Charles Hawkins? A Yes

Q How long have you known him? A Ever since he was a child.

Q You don't know whether he has ever made any application for enrollment?

A I saw him down here and he told me he made an application and he told me he would have to come back and get me but I didn't come because I was sick.

Q You don't know of his making any application within the time specified by law, of your own knowledge? A Yes as far as I know.

Q You didn't see him, all you know is what he told you? A Yes, sir.

Q Do you know anything of your own knowledge of an alleged application on his part in time? A I just know what he told me.

ATTY. FOR APPLICANT.

Q You stated that you had known the alleged applicant since he was a child, is he related to you? A Yes, sir

Q What relation? A Son.

Q Then you have known him since he was born? A Yes, sir.

Q Do you know of his coming to the Dawes Commission some two or three years ago at the time he claimed to have made application? A Yes, sir.

Q Who came with him at that time? A His sister Victoria and Cora Holden

Q Upon their return was it reported to you that he had made an application? A Yes, sir.

Q Do you know why he has not before this time appeared here with witnesses to prove his alleged right to enrollment? A He has been on the sick list all the time, hasn't been able to do anything and as soon as he got able he came.

Q What is the matter with him? A Scrofula and gone to his lungs I think.

Q He was out of the territory a while wasn't he? A Yes, sir.

Q Where was he born? A In Texas.

Q How old was he when he came to the territory? A About three years old

Q Did he come with you? A Yes, sir.

Q Have you lived here ever since? A Yes, sir

Q Has he been out of the territory a portion of the time? A Yes, sir

Q How long has he been back the last time? A Long about two years, going on 3 years.

Q State whether or not he has always claimed this as his home? A Always claimed this as his home from boyhood.

Q You are on the roll are you? A Yes, sir.

Q As a freedman? A Yes, sir.

Q Have you ever drawn any money from the government in payments made to Creek citizens? A Yes, sir.

Q In drawing this money state whether you have ever drawn any money for this boy? A Of course I sent in all the names and I drew all the money in bulk.

Q You sent in his name along with the rest of the children? A Yes, sir

Q How long has Charles been out of the country altogether before he came back? I think he staid out that way in Illinois and staid I think about five or six years before he came back.

Q What was he doing up there? A Working from one thing to another.
Q Always been his intention to make this his home? A Yes, sir

COMMISSIONER:

Q How many children has he ever had that you know? A Two to my knowing.
Q Any dead? A One dead.
Q What is the name of the one dead? A I forget that child's name. I couldn't remember its name now.
Q How old when it died? A Going on two years.
Q When born? A I couldn't tell. He brought it from Illinois.
Q When did it die? A He was with me let's see--going on two weeks after he came back, would make it three years this coming August since he came back home.
Q Do you mean that the child would be three years this coming August or three years dead? A I couldn't say it would make him three years old but he was going on two when he died.
Q Will be three years this coming August that you buried this child?
A Yes, sir
Q You are sure of that? A Yes, sir.
Q And you are sure it was two years old then? A Not quite two years old.
Q He had another child what was its name? A Mamie Hawkins.
Q He wasn't married to the mother of that child? A No that is what he said. I didn't know this girl's mother.
Q And you don't know he was the father of the child except what he told you? A Just what he said.
Q Did he tell you he was the father? A Yes, he said he was the father of Mamie.
Q Was he here in the Creek Nation when Mamie was born? A He was off. He went off with a show.
Q Was he present when the child was born? A No, sir not present.
Q Do you know how long he had been away from the woman when the child was born? A No, sir
Q Is Mamie living? A She will be 17 this coming October--coming April.
Q He must have been away considerable from the time he was a good sized boy in order to have two children born out of the Creek Nation? A He was a man when he went away the last time.
Q Was he of age when he went away the first time? A No, sir.
Q How old? A About fifteen years old when he went away the first time.
Q How long did he stay that time? A Year or so; slipped off with a show.
Q Did he come back then? A Yes, sir
Q How long did he stay then? A Staid until he got to be about 17 or 18.
Q Then went to Illinois again? A Yes, sir.
Q How long did he stay that time? A He staid over there about five or six years I think.
Q Then he came back to you? A Yes, sir.
Q How long did he stay then? A Staid over since.
Q How old is he now? A Thirty seven next month-April.
Q All you know about his coming here to try to make application is what he told you? A Yes, sir.
Q Did he tell you as soon as he came back home? A Yes, sir
Q What did he tell you? A He said he made his application.
Q Did he say it was all right? A He said yes only to bring me down.
Q Didn't say anything about them not letting him make an application or refusing to hear his application? A No, sir nothing like that.
Q You say you put in their names when did you give those names? A I gave them to the officers who were paying out the money.
Q Did you know the names of those people? A I don't remember.
Q Don't remember? A Robb was one of the paymasters.
Q Is he here in Muskogee? A Yes, sir
Q And you know actually that you got money for this boy? A I got money in bulk. They just gave me in bulk for the children.
Q Did you know you were getting for Charles? A I knew I was getting for all the children.
Q Are you sure of that? A Yes, sir.

Q Do you know how much was given individually at that time? A Yes, sir
 Q How much? A \$20.
 Q How many of your children did you get in? A Eight girls and four boys.
 Q And yourself? A Yes
 Q That would make thirteen? A Yes, sir
 Q How much money did you get then? A I disremember; pretty good bulk of money.
 Q You didn't count up to see if the amount made 13 times 20 did you?
 A No, sir.
 Q That was the \$20. payment, you drew that yourself? A Yes, sir.
 Q Then the next payment how much money did you get for each one? A \$14.
 Q Did you draw for 13 people then? A Yes, sir all in bulk.
 Q You don't know whether you got 13 times 14? A No, sir
 Q You don't know whether you actually drew for each of your children?
 A They just gave me in bulk.
 Q To what Creek Indian town did you belong? A Arkansas.
 Q You don't claim that Charles is old enough to be on the Dunn roll?
 A No, sir.
 Q Were you here at the time of the Dunn payment? A No, sir I wasn't here at that time.
 Q What was the name of your father? A Bob Hawkins; mother Affie.
 Q You don't know whether the name of your alleged son Charles Hawkins appears on any of these pay rolls or not do you? A No, sir
 Q Can you read and write? A No, sir.
 Q Did any one ever point out the name of this alleged applicant on any of those rolls? A No, sir I can't read or write and I couldn't read the names.
 Q Was the applicant here in this case ever known by any other name? A No, sir
 Q Did you give in his name to the Paymaster Robb as Charles Hawkins? A Yes, sir gave all the names.
 Q Sure you did? A I am sure I did.
 Q Do you know Jennie Hawkins? A Yes, sir
 Q Any kin to you? A My daughter.
 Q Do you know Henrietta? A Yes, sir ,Henrietta Batts
 Q Do you know Vina Hawkins? A No, sir
 Q Do you know Hector Hawkins? A Yes, sir
 Q Your son? A Yes, sir
 Q Do you know Harriet Hawkins? A Yes, sir
 Q Who is that? A My son.
 Q Some times known as Harry? A Yes, sir.
 Q Do you know Charlotte? A Yes, sir
 Q Who is that? A My daughter.
 Q Is she enrolled? A Yes, sir she was before the Daves Commission a little over two years ago and she is all right now.
 Q Is she living? A Yes, sir she goes under the name of Mapow now.
 Q Do you know Victoria Scott Hawkins? A Yes, sir Scott now.
 Q Do you know Mary Hawkins? A No, sir, one that's dead used to go by Mary Hawkins.

The 1890 roll for Arkansas town examined and the following names found in one group:

- # 1 James Hawkins identified as the witness on Creek freedman card 155.
- # 2 Jennie Hawkins Creek freedman card 156.
- # 3 Henrietta Hawkins identified #155 as Henrietta Batts.
- Vincy Hawkins on Creek freedman card 1930.
- # 5 Hector Hawkins Creek freedman card 155.
- # 6 Harriet Hawkins on Creek freedman card 155 as Harry Hawkins.
- # 7 Charlotte Hawkins (U.S.enrollment case)
- # 8 Victoria Hawkins 157
- # 9 Mary Hawkins (notation died prior to April 1, 1890)

Q I asked you a while ago if you know Vina Hawkins, I will ask you now if you knew Viney Hawkins? A No, sir

No other names appear in said group.

Q Did you know Queen Hawkins? A Yes, sir my daughter.
Q Died long ago? A Yes, sir.
Q Do you know Jane or Jinnie Hawkins? A Yes, sir my daughter.
Q Do you know Carrie Hawkins? A Yes, sir
Q Hector? A Yes, sir
Q Victoria? A Yes, sir
Q Harry? A Yes, sir
Q Sam Horn and Jennie Hawkins? A Yes, sir
Q Who is Sam Horn? A My grandson.

1895 payroll for Arkansas town examined and in one group appear the following ten names:

James Hawkins F.155
Henrietta Hawkins F.155
Queen Hawkins (died prior to April 1, 1899 E.62)
Jane or Jinnie 1930 enrollment 358.
#5 Carrie Hawkins #242
6 Hector Hawkins #155
7 Victoria Hawkins #157
8 Harry Hawkins #155
9 Sam Horn # 156
10 Jennie Horn # 156

No other names appear in said group.

Q You heard me read these names and you see that on the 1895 roll you drew for eight people in your immediate family and two grand children and on the 1890 roll you drew for nine people, you didn't draw for all your children did you? A In that case I didn't. I just gave the names in
Q And you don't remember the exact money you drew? A No, sir. I couldn't remember it has been so long. I drew three times. Drew bread money once.
Q And then these two other payments? A Yes, sir.
Q Did you draw bread money for all your children? A Yes, sir.
Q Did you ever hear that Charlie Hawkins was recognized by the tribal authorities of the Creek Nation? A Yes, sir
Q How did you hear that--recognized by the proper officers? A I couldn't tell that.
Q You nor he never made any application for him to be admitted to citizenship in the Creek Nation, did you? A The children all came with me after I was admitted.
Q You never made any application to the Creek tribal authorities to have him admitted? A Yes, sir..
Q When did you? A When I was made citizen--I don't understand you.
Q Did you or Charles to your knowledge ever make application to the Creek tribal authorities to have Charles admitted to citizenship in the Creek Nation? A Yes, sir
Q Did you ever go before the council and say he wasn't on the roll?
A No, sir never went to the council but I put my children--I sent in all the names to Wiley McIntosh..
Q You mean you sent in the names to draw money for them? A Yes, sir
Q And that is all you did to admit them to citizenship? A Yes, sir
Q That wasn't having them admitted, drawing money. You didn't go to the Colbert Commission or the Committee of eighteen or anything like that to have him put on? A No, sir. After I gave him the names if they didn't put him on the roll it wasn't my fault.
Q And so you didn't do anything afterwards? A No, sir
Q You don't know if he or any one for him ever made application to the Dawes Commission in 1896 to have Charles and his children enrolled as citizens of the Creek Nation? A No, sir; he was off then.

- Q And you don't actually know that Charles ever did go before the Dawes Commission except what he told you? A I took his word for it.
- Q And you never went before the Dawes Commission at that time or since? A This is my first time about Charles.
- Q You don't know that anything else was done except he told you he had been here? A That's what he told me.
- Q Have you always recognized Charles as your son? A Yes, sir.
- Q Even when he was away with that show? A Yes, sir.
- Q Did he tell you when he went with the show that he intended to have this as his home? A Yes, sir.
- Q How did he happen to tell you that? A He knew this was his home.
- Q Didn't you say he ran away from home? A Yes, sir.
- Q Isn't it a matter of fact that you just heard lately that he intended to have this as his home? A No, sir.
- Q How many times did he ever tell you that he intended to make this his home? A That's the way he talked from his boyhood up. He knew that this was his home. He was away in Illinois and he came back and he is here now. He may have gone on a visit but he came back.
- Q About six years ago he was gone more than a visit? A Yes, sir.
- He married in Illinois and brought his wife with him and she died over here to his place.
- Q But that was after both these children were born? A Yes, sir.
- Q He married out of the Creek Nation? A Yes, sir in Illinois.
- Q And he had two children out of the Creek Nation? A Yes, sir.
- Q That looks like he made his home out of the Creek Nation? A Yes but he came back here intending to die here.
- Q Then it is only since he was up there that he intended to make this his home? A No, sir it was his home all the time before he went away.
- Q He couldn't have a home in two places, here and Illinois both? A Lots of people do that way.
- Q How long have you continuously seen this applicant in the Creek Nation this last time? A Seen him every day since he came back.
- Q How long has that been? A Two years ago or three.
- Q How long had he been away before he came back? A About five years to the best of my remembrance.
- Q And how long had he been here at that time? A He had been here all his days before he went away.
- Q Now he came back here two or three years ago and he had been away on that trip five years now how long was he away before that? A I can't get at it exactly.
- Q Then how long had he been away before he had been away that three years? A I guess that was his first trip.
- Q How long out then? A That time he was out a year and some days.
- Q Was he in the Creek Nation when you drew the \$14.? A Yes, sir.
- Q Was he here when you drew the \$29.? A Yes, sir.
- Q Still his name isn't on the payroll? A It is like I tell you; if they didn't put his name on it isn't my fault.

ATTY. FOR APPLICANT.

- Q What was your wife's name? A Mary Hawkins, she is living.
- Q This daughter Maule of Charles, since she came has he had her in his custody? A Yes, sir.
- Q And always claimed he was her father? A Yes, sir.
- Q Charles has been out of the Territory twice? A Yes, sir.
- Q The first time he staid away a year? A Yes, sir.
- Q Then he came back and staid three years? A Yes, sir.
- Q Then he was out about five or six years? A Yes, sir.
- Q And then he came back some two or three years ago and has been here ever since? A Yes, sir.
- Q And always claimed this as his home? A Yes, sir.

COMMISSIONER.

Q Mary Hawkins your wife is a non citizen? A Yes, sir
Q Not a citizen of any of the five tribes? A No, sir
Q If this boy was your son and always recognized as such how does it come that nothing was ever done until this alleged attempt to come in to the Dawes Commission about two years ago? A I don't understand
Q If you knew he was your son how does it come nothing was done by him or you until he came in here and talked with a man, who was not the proper man, and then never came any more, why didn't you do anything more? A I couldn't do anything more.
Q And you haven't tried since until today? A No, sir.
Q And the only reason you didn't do anything is he came back and said he had been before them about two years ago. A Yes, sir I gave in all the names.
Q So that from the time you think you gave in all those names at the time of the '95 payment until two years ago, neither you or he did anything? A No, sir.
Q And from the time of that '95 payment until today you never did anything? A I couldn't do anything more than I did do.
Q Did you immediately upon his return about two years ago recognize him as your son? A Yes, sir
Q Didn't need any one to help you? A No, sir
Q Did he come to live with you at that time two years ago? A Yes, sir
Q He is living right with you? A Yes, sir, right in the yard and when his wife died I buried her.
Q Did he have any children by that wife? A One.
Q What is its name? A The little boy that died, I can't think of its name.
Q How long did he live-that little boy? A I think about two weeks after he got back home.
Q That is the one you spoke of a while ago? A Yes, sir
Q Are both of the women the mothers of these children -dead? A Yes, sir
Q Both his wife who was the mother of this dead boy, who is not entitled on account of the date of his death, and the mother of Mamie who was not his wife are both dead? A Yes, sir
Q The mother of Mamie did she die in Illinois? A I don't know where. I didn't see her. I never saw her in my life.
Q And the only way you know Mamie is his child is he brought her back to you? A Yes, sir and said she was his daughter
Q When he first arrived did he say that Mamie was his child? A Yes, sir I met him in Chasctah and he said that was his daughter.
Q You didn't know that he was married before that? A No, sir
Q Did you know before that he had a child? A Yes, sir ; he sent a picture to his mother; we have it at home.

ATTY. FOR APPLICANT.

Q Have you any other children that are not enrolled? A All my children are on the roll.
Q All except Charles? A Yes, sir
Q Have they all been allowed to file except Charles? A Yes, sir

The 90 and '95 payroll of the Creek Nation carefully examined and the name of Charles or Charlie Hawkins not found thereon.

I, Anna Garriguea, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said court on said date.

Subscribed and sworn to before me this 16 day of April 1901.

Anna Garriguea
J. McDermott
Notary Public.

Gr.No. 1022.

VBC
OM

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Charles Hawkins, Mamie Hawkins and Charlie Hawkins, deceased, as Creek freedmen.

STATEMENT AND ORDER

The record in this case shows that on March 22, 1906, Charles Hawkins appeared at this office and submitted testimony in the matter of his alleged application for the enrollment of himself and minor children, Mamie Hawkins and Charlie Hawkins, deceased, as Creek freedmen. Further proceedings were had on March 27, 1906.

The records in the possession of this office do not show that application was made for the enrollment of the aforesaid persons prior to the first above mentioned date.

It does not appear from the evidence or the records in the possession of this office that the mothers of Mamie Hawkins and Charlie Hawkins, deceased, are citizens of or applicants for citizenship in the Creek Nation.

Section 1 of the Act of Congress approved April 26, 1906 (34 Stats. 137) provides in part as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application;

I am, therefore, of the opinion that no application having been made for the enrollment of said Charles Hawkins within the time limited by the above quoted Act of Congress, and the right to enrollment of said Mamie Hawkins and Charlie Hawkins, deceased, being wholly dependent on the right to enrollment of said Charles Hawkins, I am now, under the provisions of said

-2-

Act of Congress without authority to receive or consider this application for their enrollment, and the same is accordingly dismissed.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 7- 1907

Ch En 1028

2' 9/07

U.B.L.

M.

FEB 6 1907

Think this decision
should more plainly
indicate that father
is denied under a
~~diff~~ provision different
from that ~~of the~~ upon
which denial of the
Chieftain is based.

Also, while in
general I do not
believe in quotation
of laws of Congress, I
~~do think~~ think that where
a man is knocked out
solely on the "records"
clause, and there is
any oral evidence of an
application in time, that
clause should be quoted
true.

Cr. In. 1020.

Muskogee, Indian Territory, February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Charles Hawkins, Mamie Hawkins, and Charlie Hawkins, deceased, as Creek Freedmen, including the statement and order of the Commissioner to the Five Civilized Tribes, dismissing said application.

Respectfully,

Commissioner.

IM-22.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Charles Hawkins, Mamie Hawkins and Charlie Hawkins, deceased, as Creek freedmen.

STATEMENT AND ORDER

The record in this case shows that on March 22, 1906, Charles Hawkins appeared at this office and submitted testimony in the matter of his alleged application for the enrollment of himself and minor children, Mamie Hawkins and Charlie Hawkins, deceased, as Creek freedmen. Further proceedings were had on March 27, 1906.

The records in the possession of this office do not show that application was made for the enrollment of the aforesaid persons prior to the first above mentioned date.

It does not appear from the evidence or the records in the possession of this office that the mothers of Mamie Hawkins and Charlie Hawkins, deceased, are citizens of or applicants for citizenship in the Creek Nation.

Section 1 of the Act of Congress approved April 26, 1906 (34 Stats. 137) provides in part as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application;

I am, therefore, of the opinion that no application having been made for the enrollment of said Charles Hawkins within the time limited by the above quoted Act of Congress, and the right to enrollment of said Mamie Hawkins and Charlie Hawkins, deceased, being wholly dependent on the right to enrollment of said Charles Hawkins, I am now, under the provisions of said

-2-

Act of Congress without authority to receive or consider this application for their enrollment, and the same is accordingly dismissed.



COMMISSIONER.

Muskogee, Indian Territory.

FEB 7- 1907

Refer in reply to the following:
Land 16035-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Charles Hawkins, Mamie Hawkins and Charlie Hawkins, deceased, as Creek freedmen, including the decision of the Commissioner to the Five Civilized Tribes dated February 7, 1907, adverse to the applicants.

The record shows that on March 22, 1906, Charles Hawkins appeared at the office of the Commissioner to the Five Civilized Tribes and submitted testimony in the matter of his alleged application for the enrollment of himself and minor children, Mamie Hawkins and Charlie Hawkins, deceased, as Creek freedmen.

Commissioner Bixby reports that it does not appear from the records of his office that any application was made for the enrollment of the applicants herein prior to March 22, 1906.

The record does not show that Mamie Hawkins or Charlie Hawkins, deceased, are citizens or applicants for citizenship in the Creek Nation.

Inasmuch as no application was made for the enrollment

of Charles Hawkins within the time limited by the provisions of the Act of April 26, 1906 (34 Stat. L. 137) and the right to enrollment of Mamie Hawkins and Charlie Hawkins, deceased, being wholly dependent on the right to enrollment of Charles Hawkins, the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicants herein under the provisions of the Act of April 26, 1906 (34 Stat. L. 137) as Creek Freedmen.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

FEM.Ph.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

F.P.
S.E.

100 I.T.B.

5706, 5706, 6244, 6274-1907.
6284, 6404, 6804, 6810-1907.
6826, 6468, 6470, 6576-1907.
6678, 6698, 6702, 6706-1907.
6712, 6720, 6746, 6770-1907.
6812-1907.

March 2, 1907.

S.C. 12640 - 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your Letter of Transmittal.
Minnie Atkins,	February 9, 1907.
Willie Nash (Freedman)	February 11, 1907.
James Anderson et al.	February 12, 1907.
Wallace Smith (deceased)	February 13, 1907.
Jakie Atkins (Freedman)	February 16, 1907.
Buster Scott, et al. (Freedmen),	February 9, 1907.
Mary Elizabeth Ellis,	February 9, 1907.
<u>Charles Hawkins et al. (Freedman)</u>	February 13, 1907.
Jimmie Conner et al. (Freedman)	February 14, 1907.
John Lougher (deceased),	February 16, 1907.
Olive Grant and Robt Saker,	February 16, 1907.
Gennette Peters (Freedman),	February 16, 1907.
John Guy (deceased) (Freedman)	February 14, 1907.
Martha Porter (deceased),	February 14, 1907.
George Wolf (Freedman),	February 16, 1907.
Mattie Bird, deceased,	February 16, 1907.
Jennie Lewis (Freedman)	February 18, 1907.
Mary McNary	February 14, 1907.
Alenna Franklin (Freedman)	February 14, 1907.
Gracie Johnson (Freedman)	February 16, 1907.
Katie Jamison, deceased (Freedman),	February 14, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) James H. Wilson,

Assistant Secretary.

21 inc. and 42 inc.
to Indian Office.

WV 3/3/07.

Gr.En. 1028,

Muskogee, Indian Territory, March 14, 1907

Charles Hawkins,

Grayson, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907 affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Charles Hawkins and his minor children, Mamie Hawkins and Charlie Hawkins, deceased as Creek freedmen.

Respectfully,

Commissioner.

CR EN 1029

CR EN 1029

missing

CR EN 1030

CR EN 1030

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Wetumka, I. T., April 3, 1906.

In the matter of the application for the enrollment of Stanley Brooks, deceased, as a citizen by blood of the Creek Nation.

JOE BROOKS, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Joe Brooks.
- Q How old are you? A About twenty-nine.
- Q What is your post office address? A Wetumka.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what town do you belong? A Thlewathle.
- Q Did you have a child named Stanley Brooks? A Yes, sir.
- Q When did that child die? A The child died in October.
- Q Do you know in what year? A No, sir.
- Q How many years has it been since the child died? A I think the child will have been dead six years next October. This child here (indicating a little girl) is five years and five months old and this child was born after Stanley died.
- Q What is the name of this child you mention? A Nora Brooks.
- Q In what month was Nora born? A The 2nd day of November.
- Q Will Nora be six years old next November? A Yes, sir.
- Q How long had Stanley been dead when Nora was born? A About two years.
- Q When was Stanley born? A He was born in May. I have forgotten the day and the year.
- Q Did he die in the same year in which he was born? A Yes, sir.
- Q How old was he when he died? A About five months old.
- Q Do you remember the circumstances of the opening of the Creek Land Office? A Yes, sir.
- Q Was Stanley born before or after the opening of the Creek Land Office? A After.
- Q How long after? A I do not know how long it was after the land office opened.
- Q Did you ever execute an affidavit relative to the birth and death of your minor child, Stanley? A Yes, sir. I appeared before the Commission here at Wetumka and made affidavits as to when the child was born and died.
- Q According to the affidavit executed by you September 9, 1901, Stanley Brooks, was born May 15, 1900, and died September 17, 1900? A The date given in my affidavit I know is correct. I cannot now be positive as to just when the child died but I knew at the time the affidavit was made. Stanley died in the same month in which my daughter, Emma, died. Emma has been enrolled and allotted land.
- Q Are you positive the child has been dead six years? A Yes, sir, according to my best recollection and belief. I can't call the years as white people call them.
- Q In your affidavit you state that the child died in September, 1900, and you now state the child died in October. How do you explain that? A I made a mistake in the affidavit. Stanley died in the same month my daughter, Emma, died. She died in October.
- Q Are you positive that your child, Stanley, was about five months old when he died? A Yes, sir.
- Q When did you make selection of land for yourself and family? A I do not remember the month or year.
- Q Was your child, Stanley, living when you filed? A He was dead.

- Q How long had the child been dead when you filed? A About a year.
Q Was there any record made of the birth and death of Stanley? A No, sir.
Q Was there any head-board or tomb-stone record made? A No, sir.

MARY LOWE, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Mary Lowe.
Q How old are you? A About forty-five.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Joe Brooks and his wife, Ina? A Yes, sir.
Q Did you know a child of theirs named Stanley Brooks? A Yes, sir.
Q Do you know when that child was born? A No, sir, I do not remember in what year or what month the child was born, I only know that they had such child.
Q Do you know when the child died? A The child died in October but I do not know in what year.
Q Do you know how old the child was at the time of its death? A The child was about five months old.
Q Are you positive the child was five months old? A Yes, sir.
Q Was the child born in the Spring or summer time? A I do not remember.
Q Were you present when the child was born? A No, sir.
Q How soon after the birth of the child did you see it? A The next morning after it was born.
Q Was the weather cool? A In warm weather.
Q Have you made selection of land for yourself? A Yes, sir.
Q When did you file upon your allotment? A I do not know. My husband went before the commission and filed for me. I do not know when that was.
Q Was the child living or dead at that time? A The child was dead at that time.
Q How long had the child been dead? A I do not know. I had no record or anything to help me remember when the child was born and died. I only know that Joe and Ina Brooks had a child named Stanley and that it died when it was about five months old.

INA BROOKS, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Ina Brooks.
Q How old are you? A About forty, I guess.
Q What is your post office address? A Wetumka.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Hialigee.
Q Did you have a child named Stanley? A Yes, sir.
Q What is the name of the child's father? A Joe Brooks.
Q Do you know when your child, Stanley, was born? A The child was born in May, but I do not know the time in May.
Q In what year? A I do not know.
Q When did Stanley die? A He died in the fall--in October.
Q Was that in the same year in which he was born? A Yes, sir.
Q How old was he at the time of his death? A About five months old.
Q Are you positive the child was that old? A Yes, sir, the child was almost able to sit up.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Was the child born before or after that time? A The child was born after.
Q How long after? A I do not know but it was something like a year.
Q Had you made selection of land for yourself when the child died? A Land was selected for me by my husband after the child died.
Q Do you know how long the child had been dead when you

filed for you? A I do not know how long it was after the child died.

Q There is on file in the office of the Commissioner a affidavit executed by you and Joe Brooks, in which it is stated that Stanley Brooks, was born May 15, 1900? A That must be the correct date. We knew at that time and the date given in the affidavit must be correct though I do not know now when the child was born.

Q How many years has it been since your child, Stanley, died? A I have forgotten.

JOE BROOKS recalled:

BY THE COMMISSIONER:

Q Why did you not make application for the enrollment of your child, Stanley Brooks, at the time you appeared before the Commission and made selection of land for yourself and other members of your family?

A I tried to file for my child at that time but was told by the Commission that I could not file for him then.

Q For whom did you file on the day you appeared before the Commission? A For myself, my wife, a child named Emma and my brother, Sam Hopiye.

Q How long was that after your child died? A I do not remember. It may have been something liketwo years. I first called the Commission's attention to my child, Stanley, when the field party was in camp here at Wetumka, enrolling citizens and again when I appeared at the Commission's office to file for myself and family.

COLUMBUS LOWE, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

Q What is your name? A Columbus Lowe.

Q How old are you? A I think I am about thirty-nine years old.

Q What is your post office address? A Wetumka.

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q Are you acquainted with Joe and Ina Brooks? A Yes, sir.

Q Did you know a child of theirs named Stanley Brooks? A yes, sir.

Q The child is dead is it? A Yes, sir.

Q Do you know when that child died? A I do not know in what year the child died but it has been dead about eight years.

Q Do you know in what month it died? A On or about the 14th day of October.

Q When was the child born? A In May.

Q What time in May? A About the middle of May--about the 15th.

Q Did the child die in the same year in which it was born? A yes, sir.

Q How old was the child at the time it died? A It was five or six months old.

Q How do you know the child has been dead about eight years? A Because my wife and myself will have been married eleven years next December. The child was born about three years after we were married and died in the same year.

Q Do you remember the circumstance of the opening of the Creek Land Office? A I do not know the date of the opening of the land office though I heard about it. I belonged to the Snake Faction at that time and paid but little attention to such matters.

Q Was the child living at that time? A The child was not yet born. The child was born and died about a year before the Snake uprising in the Creek nation. (The Snake uprising occurred in January or February, 1902)

Q When did you make selection of land for yourself? A I do not remember.

Q Do you know how long Stanley Brooks had been dead at the time you filed? A About two years.

P.A. 11-1-14.

JOE BROOKS recalled:

BY THE COMMISSIONER:

Q Who was chief of the Creek Nation at the time your child, Stanley Brooks, died? A Iparhecher. Stanley died just before he went out of office before Porter was installed as Iparhecher's successor.

Q Did your child die in the fall of the year Iparhecher's administration expired? A Yes, sir, it was in the fall of that year.

Q Are you positive? A Yes, sir. (Porter was installed as chief of the Creek Nation, December 5, 1909)

Q What is your wife's name, Ann or Annie? A Annie.

Q Is she enrolled as Annie Brooks? A Yes, sir.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 28 day of April, 1906.

Notary Public.

Gr. En. 1030.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Stanley Brooks, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on September 9, 1901, there were filed with this office two affidavits, one in the matter of the birth and the other in the matter of the death of Stanley Brooks, and said affidavits are considered in the nature of an application for the enrollment of said Stanley Brooks, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had April 3, 1906.

The evidence in this case is contradictory as to the dates of birth and death of said Stanley Brooks but the weight of evidence shows that said applicant died the same month in which occurred the death of Emma Brooks, a child by the same parents, who, as appears from the records of this office, died in November 1899; that said applicant died during the term of office of Inparhecher as Principal Chief of the Creek Nation and prior to the installation of his successor, Pleasant P. Porter, to said office, which, as is generally known, occurred December 5, 1899 and that said applicant lived not more than five months after his birth.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Stanley Brooks, deceased, as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly denied.


Commissioner.

Muskogee, Indian Territory,

JUN 6 - 1906

En 1030
21 12.

Muskogee, Indian Territory, June 15, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Stanley Brooks, as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner.

Enc.
IM- 465.

B.A.11

En 1030

Muskogee, Indian Territory, June 15, 1906.

Joe Brooks,

Wetumka, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Stanley Brooks, as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner.

Register.
IM-464.

MA 11.

Muskegee, Indian Territory, June 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Stanley Brooks, as a citizen of the Creek Nation, including the decision of the Commissioner, dated June 6, 1906.

Respectfully,

Commissioner.

Through the

Commissioner of Indian Affairs.

IM-466.

Refer in reply to the following:
Land 52425-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(COPY)

January 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for Departmental consideration report of Commissioner Bixby, dated June 15, 1906, together with the record in the matter of the application of Stanley Brooks for enrollment as a citizen of the Creek Nation, including the decision of the Commissioner dated June 6, 1906, denying the application.

It is shown by the record that on September 9, 1901, there was filed with the Commission two affidavits, one in the matter of the birth and the other in the matter of the death of Stanley Brooks, which affidavits are considered in the nature of an application for the enrollment of the above named person as a citizen by blood of the Creek Nation. The evidence in this case is contradictory as to the dates of birth and death of the applicant, but the weight of evidence seems to indicate that he died the same month in which occurred the death of Emma Brooks, a child of the same parents, who, according to the records in the office of the Commissioner, died in November, 1899; that the applicant died during the term of office of Isparhecher as

Principal Chief of the Creek Nation, and prior to the installation of his successor, Pleasant P. Porter, on December 5, 1899, and that the applicant lived not more than five months after his birth. Having died prior to July 1, 1900, there is no authority in law for the enrollment of Stanley Brooks, and it is recommended that his application be denied.

Very respectfully,

C. P. Larrabee,

Acting Commissioner.

AJW--SD

JP
FHB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 132-1907.
D.C.2224-1907.

January 9, 1907.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 15, 1906, you transmitted the record in the matter of the application for the enrolment of Stanley Brooks as a citizen of the Creek Nation, including your decision of June 6, 1906, denying said application.

Reporting January 4, 1907 (Land 52425-06), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been returned to the Indian Office for its files.

Respectfully,

(Signed) Theo. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 for Ind. Of.

En. 1030.

Muskogee, Indian Territory, January 16, 1907.

M. L. Mott,

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 9, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated June 6, 1906, denying the application for the enrollment of Stanley Brooks as a citizen of the Creek Nation.

Respectfully,

Commissioner.

No. 1030.

docket entry

Muskogee, Indian Territory, January 18, 1907.

Joe Brooks,

Wetumka, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 9, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated June 6, 1906, denying the application for the enrollment of Stanley Brooks as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1031

CR EN 1031

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 25, 1906.

In the matter of the alleged application for the
enrollment of John Washington as a Creek freedman.

JOHN WASHINGTON, being duly sworn, testified as
follows:

Q What is your name? A John Washington.

Q What is your age? A Sixty one; I was born March 10, 1841.

Q Are you sure of that? A Yes, sir; I have a boy 41 years old.

Q You can't count very well can you? A I don't know whether I can or
not but I know my age, is on the bible.

Q You know that you are 61 and that you were born in 1841? A Bprn
March 10, 1841.

Q What is your post office address? A Muscoba; I guess my post office
address is here.

Q I ask you again, the postoffice? A You got to give me a little
time; I can't explain things like you can; I call it Muscoba.

Q What is your object in appearing here now? A I have been trying.

Q Trying what? A I have been trying to get on the rollment, trying to
prove up my mother and myself for some time; I wouldn't give it up.

Q Trying to prove up your mother and yourself for what? A On the
rollment.

Q What rollment? A Creek rollment.

Q What was the name of your mother? A Mary Jane Washington.

Q Is she living? A She died about nine months ago.

Q You say you have been trying to prove up the enrollment of yourself
and mother, I will give you an opportunity to tell how you have been
trying to prove up your enrollment? A I wasn't wise enough to come
up here and transact my business myself; the first time I came I
came by myself and they wouldn't hear me.

Q We want those transactions explained fully by you. You say you
came by yourself the first time, when was that? A 1904.

Q What time in 1904? A Along about the 15th or 16th of June or May
one; I disremember exactly the day or hour.

Q Was it in the fall of the year? A No, sir it was along about the
middle of the year.

Q But you don't know whether it was May or June? A I am satisfied it
was one of those months.

Q You don't know which one? A I don't know exactly the hour.

Q I am asking you the month and you say you don't know. Where did
you go that time in 1904? A What do you mean by that?

Q I mean where did you go; before whom did you go? A I came in here
and went yonder.

Q In this room? A Yes, sir.

Q Are you sure of that? A Yes, sir came in and sat down right there.

Q Are you absolutely sure it was in this room? A I came in this room
and sat down over there.

Q What did you do in this room? A I came in here and the man that
came with me asked about the roll and one of the clerks got up and
got a book and looked through one of them and said "No Washingtons
on the roll at all" and then he went and got another book and both
of us got up and went out.

Q What did you ask the clerk? A I didn't ask him anything. The man I

had working for me asked him.

Q Who was that man? A Mr. Campbell was one.

Q Was that the first time? A No, sir

Q You stated it was the first time? A No, you said was it in this room

Q Had you ever before that time, in May or June 1904, appeared yourself and done anything? A I came up here myself and they wouldn't hear me.

Q Had you before that time you talk about in 1904? A No, sir I paid a lawyer to attend to it, and he was to notify me when to come up.

Q In May or June 1904 you claim you came into this very room?

A I don't think I came in this room in 1904. I came in the one around yonder, came up those stairs back yonder on the east side and came in.

Q Who was with you when you came that time? A Inzie Washington came the same time to see about her claim.

Q What did you do that time when you came up? A I came up to get on the rollment.

Q When was that you came up, was that in May or June 1904? A Some where along there near as I can get at it.

Q Have you had a drink this morning? A No, sir I haven't had any drink for ten years.

Q You are sure you haven't had a drink this morning? A No, sir

Q Tell the first time you ever did anything in this matter of enrollment, when was the first time? A The first time I tried was along in 1904.

Q What did you do then? A I didn't do nothing because they wouldn't hear me.

Q Was that in June or May 1904? A Some where along there.

Q When was the next time and what did you do? A Next time was long in October somewhere and I got Colonel Mills.

Q Of the same year? A No, sir.

Q When--the year after? A Yes, sir.

Q You just went before Colonel Mills? A I went right down there.

Q Down to his office? A He came up to this office.

Q You didn't come with him? A No, sir

Q And what did he say? A He said he had paid a man \$2.50 to have it copied and I paid him the money.

Q What was the next thing you did? A The next thing I turned in then and Hale he wrote up my application and I forced him to come before the Dawes Commission and he never did anything and he had them sell his things and the application was laying there in his office.

Q Did you do anything else? A After that I brought Mr. Campbell up here with me.

Q When was that? A This year.

Q J. Burt Campbell? A Yes, sir

Q Who has only left the Commission since the first of the year? A I think that is the one.

Q That is all you did? A Yes, sir.

Q Why did you when you first began to testify say the first time was when you came with Mr. Campbell? A No sir I didn't; no sir I said Mr. Campbell came with me this year.

Q When you came up here the first time in 1904, did you come up stairs in this part of the building? A I came up those stairs around yonder and came in the room there.

Q What room? A I don't know which one it is now there are so many.

Q Up in the front part, or back or side? A Along about the middle right in front of the steps as you come up stairs, about the middle way.

Q Do you think it was this room? A No, sir.

Q The room right over there? A That was the first one I went in.

Q Did you do anything over there? A No, sir they wouldn't hear me.

One man said you will have to bring your counsel up here and I went

and got counsel and he didn't do anything and I paid him my money too. These facts I have receipts to show I did it.

Q Have you a good memory? A I don't know whether I have or not. Some times I have and some times I haven't.

Q Has any one ever considered that you weren't really bright? A I don't know sir whether they did or not.

Q Have you always attended to your own business? A So far except such business as this; when it comes to this business I don't know anything about it.

Q What are the names of those lawyers you say you employed? A Mr. Mills.

Q How much did you pay Mr. Mills? A Paid him \$5.55

Q How much did you pay Hale? A \$8.85

Q How much did you pay Mr. Campbell? A Paid Mr. Campbell nothing.

Q What did your lawyers tell you as to your right or pretended right in the nation? A They told me like this. They said they didn't think it would be any trouble at all. They had a roll with my people's names on it.

Q They showed you a printed piece of paper? A Yes I seen it in the Dawes Commission in Mr. Bixby's office. I seen peoples names there.

Q What peoples names did you see in Mr. Bixby's office? A Henry Washington, Mary Jane Washington, Laura Washington, Isabelle Washington.

Q How did you come to see those names. On what sort of book were they? A Newspaper.

Q Did you try to obtain any rights or apply for rights in the Creek Nation before you saw that piece of paper? A I had been trying.

Q You tried before that? A I had been trying but it didn't do any good.

Q How did you try? A I did like I come here this morning.

Q When were you in Mr. Bixby's office, that is what year? A I think that was in 1904. I often went in there to try to get one of the papers and they said they wasn't giving them out but some times I run up with people that did have them. I saw them advertised.

Q You never made any application or never came up here until after you saw that printed paper? A No, sir not until I saw the advertisement.

Q That paper had a list of names in it? A Yes, sir had all my people's names.

Q All sorts of Washington people? A Yes, sir

Q And you thought on account of seeing certain names in there that these people were relatives of yours, is that right? A I know they was because my mother had only been dead nine months and I tried before that time. I wouldn't know unless they names were my own folks.

Q Don't you know of any other Washington families besides your own family? A Yes, sir

Q There are other Washington families? A Yes, sir

Q There are other families which have John and Joe Washington? A Yes

Q Isn't it a fact that the persons whose names were in that printed list may have referred to other people by the name of Washington? A No, sir

Q You never attempted to come up here and make application until you saw that printed list? A I tried before that and I kept trying clear on up until now after I saw the advertisement.

Q When did you see that advertisement? A Two years ago.

Q In 1904? A Yes, sir

Q You didn't come up here and try before 1904? A I didn't come in here. I went around there.

Q Where? A On the south side of this house.

Q Do you know what a mile is? A Yes, sir.

Q A few minutes ago you said you didn't come up here till the year 1904? A No, sir I didn't say that.

Q You also said under bath that you had never made an application until after you saw that printed list? A No, sir I told you plain. I tried before I saw that paper; I had been trying before I saw that.

Q Where did you try? A Before the Dawes Commission.

Q How long before you saw that paper? A It might have been three or four months afterwards; might have been longer than that. I know I was fixing to pick cotton.

Q What time do they start to pick cotton? A Sometime they start in August or July.

Q But they usually start about September? A No, sir they don't.

Q What month do they usually start to pick cotton? A In August or July and from that on up to Christmas.

Q How long have you been in this town? A Five or six years.

Q The first time you ever were in this town was five or six years ago? A I have been working here all through this country; I have to work for my living. I can't sit around here.

Q Did you ever live as much as one year at a stretch in this town? A My goodness man, yes, sir.

Q This time how long have you been here straight? A Four years straight.

Q Where did you come from? A Parsons, the round house.

Q How long had you been in Parsons? A Been there a year, at the round house a year.

Q Where before that? A Dennison.

Q How long in Dennison? A About 15 years off and on.

Q Where before that? A Here in Indian Territory, down in Choctaw Nation.

Q How long were you in the Choctaw Nation? A I couldn't tell you, I was in and out backwards and forwards working all the time.

Q Where before you were in the Choctaw Nation? A Dennison.

Q Where before you were in Dennison that time? A I was on the railroad working; I was working for the company anywhere they moved me.

Q Where were you born? A Wetumka.

Q How long did you live there after your birth? A I don't know how long; until I thought I was a man.

Q The first time you came to your recollection after your birth, did you understand that you were in Wetumka, Indian Territory? A My people from a little infant told me I was living in the town of Wetumka.

Q From the first time you could understand anything they told you you were in Wetumka? A Yes, sir that is what they called it.

Q Where did you live during the War? A I was here in Indian Territory.

Q What town? A Wetumka.

Q During the Civil war? A Yes, sir but I was small, what you might call 10 or 12. I had to follow my people just as they drug me around.

Q But you were in Wetumka? A Yes, sir.

Q Were you in Wetumka before the Civil war? A I was born there.

Q When you were six years old did you know the name of the town you were in? A I don't know; I might and I mightn't. Things way back I have done forgot.

Q To the best of your recollection you were born in Wetumka? A Yes, sir.

It is very difficult to obtain an intelligent answer from the witness. His answers are very contradictory and indicate that he is not of sound mind.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this day of April 1906.

Henry D. Hayes
Notary Public

En 1031.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JUNE 18, 1906.

In the matter of the alleged application for the enrollment of John Washington as a citizen of the Creek Nation.

John Washington being first duly sworn, testifies as follows

- Q: What is your name? A: John Washington.
- Q: Are you the identical John Washington who appeared here April 25, 1906 in the matter of the alleged application for enrollment as a citizen of the Creek Nation? A: Yes sir.
- Q: Did you ever make any application? A: I paid three lawyers and they done me, they misled me.
- Q: Who are the lawyers? A: They was lawyer Mills, Lawyer Hale. They are the ones that misled me.
- Q: Where do they live? A: I don't know where they live may be they lit out from here, and I found application in Bradleys Bank.
- Q: You filed them in Bradleys bank? A: Yes sir.
- Q: He is C.M. Bradley, he is the man who buys land here, is he? A: Yes sir.
- I sent it to Washington to see how he had treated me. They got my money too.
- Q: It is very unfortunate you didn't come to this office.
- A: I did come to this office, the first time I come the man talked to me so, he said, well you just go and get you counsel
- Q: Did you go and get counsel and come back? A: I went and got him.
- Q: Did you come back with him? A: I come back with him and he wouldn't hear me.
- Q: Who was it that wouldn't hear your lawyer?
- A: I don't know who they was, he was a grey headed man.
- Q: What year was that? A: That time was 1903.
- Q: Was he a grey bearded man? A: Yes sir he sat right in front of the table in here.
- Q: Was it in this room? A: It was around yonder when I first come in 1903.
- Q: You don't know the man's name? A: No sir, I don't. I will tell the truth about it. I brought a witness with me every time I came.
- Q: Who was the lawyer that came up with you that time?
- A: Mills.
- Q: Mills has run away though has he? A: Yes sir. And Hale he run away I reckon.

I, Julia C. Laval, do oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me
this 14 day of June, 1906.

Wm. H. Haines

124

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of John Washington, as a Creek Freedman.

STATEMENT AND ORDER.

The record in this case shows that on April 25, 1906, John Washington appeared before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and testified in the matter of an application alleged to have been made or attempted to be made by him in the year 1904, and on later dates, for his enrollment as a freedman citizen of the Creek Nation. Further proceedings were had on June 18, 1906.

The evidence shows that said John Washington alleges to have appeared in person at the offices of the Commission for the purpose of making application for enrollment as a Creek Freedman, and that he also consulted or retained certain attorneys to assist him in securing citizenship rights in the Creek Nation.

Neither is the testimony of John Washington, as to an application having been made by or for him, corroborated by the testimony of other witnesses, nor does it appear from an examination of the records in the possession of this office that any application has ever been made or attempted to be made for his enrollment as a citizen of the Creek Nation.

The act of Congress approved April 26, 1906 (34 Stats., 137), provides in part as follows:

"That after the approval of this act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application."

I am of the opinion that inasmuch as the records in charge of the Commissioner to the Five Civilized Tribes fail to show that any application has ever been made for the enrollment of John Washington, as a freedman citizen of the Creek Nation, within the time limited by the provision of law above quoted, I am without authority to receive or consider any application for the enrollment of said applicant at this time, and I therefore decline to receive the same.


Commissioner.

Muskogee, Indian Territory,

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6-13-06

Washington, Jno.,
Muskogee, I. T.,
Creek Nation,
May 31, 1906.

Relative to his right to
enrollment as a Creek citizen.

CREEK ENROLLMENT.

Enr 1031

6279

Department of the Interior.

June 6 1906

Respectfully referred to the
Commissioner to the Five Civil-
ized Tribes for consideration
and appropriate action.

John C. Wilson
Assistant Secretary.

EWS

Muskogee, I.T. May 31st, 1906.

To Hon. Nathan A. Hitchcock.

Secretary of the Interior,
Washington, D.C.

Dear Sir:

Your humble servant, John Washington, respectfully in the name of justice writes your honorable self asking for permission to submit to the Commission to the Five Civilized Tribes, (Dawes Commission), his proof and testimony as a Creek citizen, and as reasons for this humble request states as follows:

That in the year 1903 your humble servant employed and paid a lawyer, one Col. Mills, to represent him before the department in his attempt to be enrolled as a Creek citizen. Near the end of that year your humble servant found that Mills had done nothing and immediately employed one John S. Hale who claimed to be an agent of W.W. Wright of Washington, D.C. petitioner sent to Wright through Hale, \$5.00. About one week ago, petitioner found that Hale who had ran away from this country had done nothing but write the paper herewith attached marked exhibit "A" and that had been with-held from the writer until about one week ago.

Your writer ~~states~~ states that it is through the fraud that has been practised upon him that he is not now properly before the Commission. He has competent, ample and sufficient proof that he is a ~~man~~ Creek freedman. He herewith attaches affidavits in support of his claim. He prays the Honorable Secretary in the name of right and justice to permit him to be ordered before the Dawes Commission and therein be permitted to present testimony to establish his claim and believing that it is the policy of the Honorable Secretary to do all in his power that is right and just to aid a poor, ignorant unlettered man, he humble submits this letter for your consideration.

Your humble servant,

John Washington
mark

Witness:
Richard Jones

Department of the Interior

RECEIVED

1891 41206

Enc. No. 2 of No. 278

Indian Reservation

United States of America,
Indian Territory,
Western Judicial District.

Personally appeared before me a Notary Public, in and for the Western Judicial District of the Indian Territory, duly commissioned and acting, Allen Adams, aged fifty-nine, a resident of Muskogee, Indian Territory, and a person well known to me as a person entitled to credit, who on oath being duly sworn, deposes and states as follows:

My name is Allen Adams. I live in Muskogee, I.T. I am well acquainted with John Washington, having known him since 1885. I was also acquainted with his mother Mary Jane Washington. From her looks, conversation and manner of talking she conveyed the impression conclusively that she was an Indian.

I also know that Washington has for some time been attempting to get on the Creek rolls but like many of us has been fooled by one J.S. Hale. He as well as myself though ^{his} application had been in before the Commission to the Five Civilized Tribes. He has paid money but has been defrauded. He can neither read ~~and~~ write.

Allen Adams

Subscribed and sworn to before me this 31st day of May, 1906.

J. B. McCallum
Notary Public.

My Commission expires *June 22* 1906.

Department of the Interior.

RECEIVED.

JUN 4 1906

Ext. No. 1 of No. 6279

Indian Territory Division.

United States of America,
Indian Territory,
Western Judicial District.

Personally appeared before me a Notary Public, in and for the Western Judicial District of the Indian Territory, duly commissioned and acting, William Bates, who on oath deposes and says as follows:

My name is William Bates. I reside at Muskogee, Indian Territory. I am about forty-five years of age. I am well acquainted with John Washington and have known him for eleven years or more. I know his mother. Her name was Mary Jane Washington. From all appearances, and her conversation she was an Indian. I used to do her correspondence for her. In the summer of 1897, I wrote several letters for her to her relatives in Okmulgee, Indian Territory. She claimed to me she was a Creek and was born near Conoharta mountain which is between eighteen or twenty miles from Muskogee, Indian Territory. She is now dead having died about ten months ago.

I have also written for Mr. Washington to Hale and others. He is an unlettered man, cannot read or write and has always believed that his application for enrollment was before the Department as he first employed a lawyer some three years ago. He has paid the lawyers he employed. I have no interest either direct or indirect in the outcome of this matter.

William Bates

Subscribed and sworn to before me a Notary Public, this 31st day of May, 1906.

J. M. Sullivan

Notary Public.

My Commission expires *Nov 22* 1906.

Exhibit A

In the matter of the application of John Washington, to be enrolled as a citizen of the Creek nation and to be entitled to take allotment of lands and to participate in the distribution of the funds of the said nation.

United States of America,
Western District,
Creek Nation.

~~RECEIVED~~

Comes now the above named applicant, John Washington, and shows the court of claims at Washington D.C., That he is the son of Henry Washington, and Mary Washington, who were duly enrolled and acknowledged citizens of the Creek nation and had all the rights and privileges of all other citizens of the said nation. That this applicant is as he verily believes entitled to have his name duly and legally enrolled as a citizen of the said nation. and that this applicant can so establish his right to be so enrolled by good and competent evidence. That he nor any of his blood heirs, have not at any time become citizens of any other nation and has not taken any allotment of land or the distribution of any funds of any other Indian nation or tribe.

WHEREFORE:- This applicant prays that the said court of claims, by a good and sufficient order therefor, order and direct, that the name of this applicant together with the names of his two children proven to be his be placed on the rolls of the Creek nation, and that they be permitted to take their allotment of lands, and to participate in the distribution of the funds of the said nation, and that they be treated in all other respect as full citizens of the said nation.

John Washington
Applicant.

Subscribed and sworn to before me this the 21 day of Aug. A.D. 1905.

Notary Public.

My commission expires

Witness to Me
John Jones
John Jones

h-2774

IN REPLY TO THE FOLLOWING:
.....
.....
.....

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 14, 1906.

John Washington,
General Delivery,
Muskogee, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of May 21, 1906, referred to this office by the Secretary of the Interior for consideration and appropriate action, and enclosing affidavits in the matter of your alleged application for enrollment as a citizen in the Creek Nation.

You are advised that said affidavits have been filed and that you may appear at this office at an early date as requested in your said letter, for the purpose of advising further in the matter of your said alleged application for enrollment as a citizen of the Creek Nation.

Respectfully,



Assistant.

Cr.Mn.1051.

Muskegee, Indian Territory, August 22, 1906.

P. L. Burlingame,

Attorney at Law,

Muskegee, Indian Territory.

Dear Sir:

June 25, 1906, there was filed in the office of the Commissioner to the Five Civilized Tribes, the petition of John Washington for a rehearing in the matter of his alleged application for enrollment as a Creek freedman and it appears from the backing on said petition that you represent said applicant as attorney.

You are advised that it appears from the records of this office that proceedings were had on April 25 and June 18, 1906, in the matter of an alleged application for the enrollment of John Washington as a citizen of the Creek Nation and that said case is now pending in this office, no decision having been rendered in same.

-2-

You are advised that in view of the status of the case, the petition for rehearing filed in this matter cannot be considered by the Commissioner.

Respectfully,

Commissioner.

Cr.No.1931.

Muskogee, Indian Territory, August 23, 1906.

P. L. Burlingame,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

June 25, 1906, there was filed in the office of the Commissioner to the Five Civilized Tribes, the petition of John Washington for a rehearing in the matter of his alleged right to enrollment as a Greek freedman and it appears from the backing on said petition that you represent said applicant as attorney.

You are advised that it appears from the records of this office that proceedings were had on April 25 and June 18, 1906, in the matter of an alleged application for the enrollment of John Washington as a citizen of the Creek Nation and that said case is now pending in this office, no decision having been rendered in same.

You are further advised that pending decision as to

the alleged application for the enrollment of John Washington,
the question as to his alleged right to enrollment is not
before this office and that the petition for rehearing filed
in this matter cannot be considered by the Commissioner.

Respectfully,

Acting Commissioner,

Gr.En. 1032.

Muskogee, Indian Territory, December 5, 1906.

P.L.Burlingame,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the order of the Commissioner to the Five Civilized Tribes, dated November 27, 1906, dismissing the application for the enrollment of John Washington, as a Creek Freedman.

Respectfully,

Commissioner.

YM-91.

Cr. 2h/1031.

Muskogee, Indian Territory, December 1, 1906.

John Washington,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the order of the Commissioner to the Five Civilized Tribes, dated November 27, 1906, dismissing the application for your enrollment as a Creek Freedman.

Respectfully,

Commissioner.

LM-90.

*Notify Burlingame
& send copy.*

CR EN 1032

CR EN 1032

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 25, 1906.

In the matter of the alleged application for
enrollment of Alice McNeely as a Creek freedman.

ALICE MCNEELY, being duly sworn testified as follows:

- Q What is your name? A Alice McNeely was Alice McIntosh.
Q What is your age? A About 31 years old, as nearly as I can remember/.
Q What is your post office address? A Muskogee.
Q What is your purpose in coming here now? A Because my father was enrolled and I want to try if I can be enrolled.
Q Did you ever make any application for enrollment as a Creek freedman?
A No, sir nothing until today and to the Secretary but they said they was closed.
Q This is the first time you ever tried before the Dawes Commission yourself? A Yes, sir.
Q The first time you ever did anything you wrote to the Secretary of the Interior and they told you the rolls were closed? A They didn't tell me; my brother told me.
Q The first time you ever did anything about your application was to talk to your father? A Yes, sir.
Q To be McIntosh? A Yes, sir.
Q You don't know whether he did anything? A He did that.
Q Did what? A Wrote to the Secretary of the Interior.
Q Do you know when that was he wrote to the Secretary of the Interior?
A 1903, as near as I can remember.
Q You present here these letters from the Secretary of the Interior, two to Mr. Tobias McIntosh and one to yourself? A Yes, sir.
Q These letters from the Secretary are all dated in the latter part of 1905 don't you think he wrote in 1905 since he got these at that time? A I don't know.
Q Don't you think you were mistaken when you say 1903? A No, sir because I have been here four years.
Q You haven't any letters from the Secretary in 1903 or 4, they are all 1905? A I was after him but he was slow about it.
Q You didn't make any application before today? A No, sir.
Q Do you know if any one made any for you? A I don't know.
Q You don't know that any one ever did? A No, sir.
Q And your father is To be McIntosh? A Yes, sir.
Q Has he always recognized you as his daughter? A Yes, sir.
Q Where were you born? A At Fort Gibson.
Q How long did you live there? A Until I was three.
Q Where did you go then? A They carried me to Texas.
Q What place? A Dennison.
Q How long were you there? A Until I was about fifteen.
Q Then where? A I heard of my father; after my mother died of him being in Kansas City and I went there and when I went there he was here.
Q How long were you in Kansas City? A About a year.
Q Where then? A Arkansas.
Q How long? A I don't know exactly.
Q About? A About nine or ten.
Q Then where? A I went back to Oklahoma City.

Q How long there? A About two years.
Q Then where? A Fort Smith.
Q How long there? A I can't tell exactly.
Q About? A I am afraid to say.
Q Five years? A More than five.
Q Ten? A About seven.
Q Then where? A I came here.
Q How long been here now? A Four years now.
Q When was the first time you ever saw your alleged father Tobe McIntosh?
A Along about five years ago.
Q Where was that? A In Kansas City.
Q The first time you saw him to know he was your father was about five years ago in Kansas City? A Yes, sir, after I was carried away when I was small.
Q Was he married to your mother? A You will have to ask him.
Q Have you ever heard say? A I guess by the Indian law.
Q What was your mother's name? Ophelia.
Q Ophelia what? A McIntosh.
Q Was she a citizen of any of the five tribes? A Yes, sir.
Q You don't know if she was ever recognized as a citizen of the Creek Nation? A She was away before the rolls were made.
Q Is she dead? A Yes, sir.
Q How long? A About eleven years.
Q To what Creek Indian town do you claim to belong? A I belong to Arkansas--what do you call it--I don't know the name of it.
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q Any ever drawn for you? A I don't know.
Q Have you ever been admitted to the Creek Nation by any of the proper authorities? A No, more than my father.
Q How long were you with your mother? A Until I was about 15 years old.
Q From the time of your birth until you were fifteen? A Yes, sir.
Q Then you didn't see her until she died? A Yes, sir I was with her when she died, that's how I came to know my father.
Q Did she tell you who your father was? A Yes, sir.
Q What did she tell you his name was? A Tobe McIntosh.
Q How do you know this man here was the one she spoke of? A Because my brother is younger than I am and I know him.
Q How did that tell you? A He claimed him for his child and my mother said he was.
Q She mentioned his name but she didn't point to this man? A No, sir she was carried away and left her husband here.
Q Who carried her away? A The slaves I guess; you would have to ask her about that. I was small when I went away, only about three years old.

TOBE MCINTOSH, being duly sworn, testified as follows:

Q What is your name? A Tobe McIntosh.
Q What is your age? A Going on seventy.
Q What is your post office address. A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know the alleged applicant here, Alice McIntosh? A Yes, sir.
Q How long have you known her? A Going on three years now.
Q That is as long as you have known her is it? A No, I knew her when she was small baby.
Q And then the next time was three years ago? A Yes, sir.
Q How do you know this is the same person? A Because she was running all over the territory hunting for Tobe McIntosh.
Q That is the only way you know that this woman is the one you knew as a baby? A Yes, sir.
Q Any kin to you? A My daughter.

Q The only way you knew that is by the same thing? A Yes
Q By her running around looking for you? A Yes, sir.
Q Do you know that she ever made any application for enrollment as a citizen of the Creek Nation, before the Dawes Commission? A No, sir but she had an application made out. She knew if she had ever been here before.
Q What do you mean by an application made out? A Application that was made out and sent to the Secretary.
Q When was that sent to the Secretary? A That was made out a long time the lawyers made that out.
Q What lawyers? A Any of these lawyers.
Q What lawyers made out this one? A Wiley McIntosh.
Q When did he make that out? A I can't tell you exactly because I am no scholar; I can't keep track of the year.
Q Can you tell how many years ago it was? A Only about six months I believe; I think so.
Q That was a letter or petition to the Secretary? A Yes, sir.
Q Are these letters here from the Secretary of the Interior, two to you and one to Alice McIntosh, written in May, August and November 1905, are these answers to that? A That's the answers we got.
Q That is all you know about any application for her? A Yes, sir
Q Never made any application to your knowledge, anybody, to the Dawes Commission? A No, sir
Q But all that was ever done to your knowledge was some writing by Wiley McIntosh to which these letters from the Secretary in 1905 are answers? A Yes, sir.
Q Was that letter written by Wiley McIntosh the same year these letters you have here were written? A Yes

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 27 day of April 1906.

Henry A. Hains
Notary Public.

DEPARTMENT OF THE INTERIOR,
Ex.1032 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 23, 1906.

In the matter of the alleged application for the enrollment of Alice McNeely as a Creek freedman.

PHILLIS EVANS, being duly sworn, testified as follows:

Q What is your name? A Phillis Evans.

Q What is your age? A I am about 44.

Q What is your post office address? A Muskogee.

Q Do you know the applicant in this case? A No, sir

Q What is the name of your father? A Pickett Rentie.

Q What is the name of your mother? A Mary Rentie.

Q Are you any kin to Tobe McIntosh? A No, sir

Q You don't know Alice McNeely? A No, sir

Q Why do you appear here then? A Here to testify; I never knew Tobe had any child by that name.

By Atty. for Creek Nation.

Q How do you know that this woman is not the daughter of Tobe? A We have known him since '66 and Joe, Wiley, George and Baba, and their mother was Tamer McIntosh.

Q How long have you known Tobe? A Shortly after the surrender.

Q Never had any children by that name? A No, sir

Q You know the ones you enumerated? A Yes, sir

Q Do you know them when you see them? A Yes every one of them.

By Commissioner.

Q As you have named all the children Tobe McIntosh had then you know that a woman calling herself Alice McNeely or McIntosh is not his child
A I never knew he had any child by that name.

Q If he had you would have known it wouldn't you? A Yes I would have sure known it.

By M.L.Mott atty. for Creek Nation.

Q He had no children by that name born about 1875 had he? A No, sir

Q You would have known it if he had? A Yes, sir

Q Did you live near him, how close did you live to him all this time?

A I don't know exactly.

Q About two or three miles? A About three miles.

Q You have lived near him all the time? A Yes, sir

Q You visit him frequently? A His children and me all staid together and went to school together.

Q And you say he never had any such child? A No, sir

Q If he had had you would have known it? A Yes, sir

Q Did you ever hear of this woman? A No, sir

Q Did you ever hear of any attempt to have her enrolled here as a citizen? A Yes, sir I heard about her making an attempt; I was talking about it on the street; she told me she was half sister to Wiley McIntosh; tried to get me to identify her.

Q In what way? A Wanted me to identify that she was Tobe McIntosh' daughter.

Q When you didn't know she was? A Yes, sir

Q What did she say? A She said she was a half sister of Wiley McIntosh and said Tobe was her father and wanted me to identify her and I told her I was sorry but I couldn't swear she was Tobe's daughter

-2-
because I never knew of any except the other individuals who went
to another woman and wanted her to identify her.

I, Anna Harrigan, on oath state that the above and foregoing is a true
and correct transcript of my stenographic notes as taken in said court
on said date.

Anna Harrigan

Subscribed and sworn to before me
this 10 day of August 1926,

Edward Harrigan
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
AUGUST 3, 1904.

No.--1032.

In the matter of the alleged application for the enrollment of Alice McNeelley or McIntosh as a Creek Freedman.

APPEARANCES: John G. Lieber, attorney for M. L. Mott,
attorney for Creek Nation.

William James being first duly sworn, testified as follows:
Questions by Commissioner:

- Q: What is your name? A: William James.
Q: How old are you? A: 38.
Q: What is your post-office address? A: Chase.
Q: Are you a citizen of the Creek Nation? A: No sir.
Q: How long have you lived in this country? A: About 32 years.
Q: Do you know Tobe McIntosh? A: Yes sir.
Q: Old uncle Tobe they call him do they? A: Yes sir.
Q: Have you lived near him? A: Yes sir, I lived near him 10 or 12 years until he had to leave the country.
Q: Who had to leave the country? A: Tobe.
Q: He is here now ain't he? A: Yes sir.
Q: When did he leave the country? A: He left the country in 1876.
Q: How long did he stay out? A: 21 years.
Q: That has been since 1898? A: Yes sir.
Q: Are you well enough acquainted with him to know the members of his family? A: Yes sir, I am.

Questions by John E. Lieber, attorney for Creek Nation, representing M. L. Mott.

- Q: Do you know the applicant in this case, Alice McNeelley?
A: Yes, I am acquainted with her about 3 years.
Q: Where did you first become acquainted with her?
A: I first became acquainted with her at the celebration two and a half years ago.
Q: Where? A: At Buzz Hawkins about 5 miles west of Muskogee.
Q: Do you know what month it was in William? A: August.
Q: What was she doing out there? A: Well sir, she was running a barber shop.
Q: That was when? A: Two and a half years ago.
Q: What if anything did she say to you at that time, about how long she had been here in the Creek Nation?
A: She said she had been here a little over a year in the Creek Nation at that time.
Q: Did she say anything to you about having been born here in the Creek Nation? A: No sir.
Q: Did she say anything to you about where she was born?
A: I think she was born in Texas and raised there.
Q: Did she say anything about her mother?
A: She told me she was named for her mother.

- Q: What did she say her mother's name was? A: Aliss.
- Q: Did she say anything about her father at that time?
- A: She did not.
- Q: Didn't claim that Tobe McIntosh was her father? A: No sir. The reason I know, she asked me whose son that was out to the celebration and I said old man Tobe McIntosh's, and she said who is Tobe McIntosh and I said he stays around Muskogee.
- Q: How do you happen to remember that conversation so well?
- A: Because a few days ago, I heard she was filing and I was sitting at a table eating near where she was, and somebody asked her did she file and she said she had and they asked her where she filed and she said about 8 miles above Okmulgee, she said my people put me on and he said who is "my people" and she said Willey and Tobe and them. Then I never said anything more to her about it.
- Q: Had you known her all the time from the time you met her out there two and a half years ago until the present time?
- A: Yes sir.
- Q: Did you meet her frequently? A: Every time I came to town.

Questions by Commissioner:

- Q: Are you any kin to any of these people? A: No sir, not any of them.
- Q: Have you any bad feeling or grudge against this applicant?
- A: Not any on earth.
- Q: Has she any against you? A: Not that I know of.
- Q: Have you any bad feeling against Willie or Tobe McIntosh?
- A: Not a bit of it.
- Q: How did you come to be a witness here? A: I heard them talking about it and they asked me would I be a witness and I said yes, if it would be good for the country I would.
- Q: Are any of your family citizens? A: All of them.
- Q: Your only purpose in testifying here is to help the Creek attorney with reference to the allotment of citizens?
- A: Yes sir.
- Q: Only here the other day you heard this talk about allotments. This woman said her folks, Tobe and Wiley put her on and that was the first time she ever intimated they were any kin to her? A: That was the first to my knowing.
- Q: You remember distinctly, that when you were at that place where you spoke to her about Tobe out there, that she did not say Tobes was her father, because when you pointed out one of his son's and told her it was Tobe McIntosh's son, she said, who is Tobe McIntosh? A: Yes sir.
- Q: Do you know of any agreement between this woman and Tobe or Wiley, or any of them, to defeat or defraud the Creek Nation out of any land or anything of that kind?
- A: No sir.
- Q: Never heard of any game they were trying to fix up?
- A: No sir.

I, Julia E. Laval, do hereby state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia E. Laval

Subscribed and sworn to, before me
this 18 day of August, 1906.

Edward Herrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alice McNeely as a Creek freedman.

D E C I S I O N .

The record in this case shows that on April 25, 1906, Alice McNeely appeared before the Commissioner and testified in the matter of an application alleged to have been made for her enrollment as a Creek freedman, at which time she stated that in the year 1905, she addressed a communication to the Secretary of the Interior with reference to her right to enrollment as a Creek freedman. Further proceedings were had July 23, 1906 and August 3, 1906.

The records of this office show that on May 15, 1905, "Alicie McIntosh, nee McNeely" addressed a communication to the Secretary of the Interior which appears to have been intended by her as an application for her enrollment as a Creek freedman, as she states therein, "the name of my father is Tobias McIntosh whose name appears upon the Dun roll of 1867", which communication, on May 24, 1905, was referred to the Commission to the Five Civilized Tribes for consideration and appropriate action, and was received by said Commission, May 27, 1905. It appearing that Alice McNeely and Alicie McIntosh, nee McNeely, are the same person, her said communication referred to this office is herein considered an original application for her enrollment as a Creek freedman in order that her rights may be protected.

It appears from the evidence that the applicant herein claims her right to enrollment as a Creek freedman, under the provisions of the Act of Congress approved March 1, 1901, (31 Stats. U. 861) as a descendant of Tobe McIntosh, who, she alleges, was her father, and whose name is identified upon the roll of Creek freedmen prepared by J. W. Dunn, under authority of the United States, prior to March 14, 1867.

It appears from the evidence that on April 25, 1906, said Alice McNeely testified that she was 31 years of age; that she was born at Fort Gibson; that at the age of three years she was taken to Dennison, Texas, and that she returned to the Indian Territory about four years prior to the date of her said testimony.

The weight of the evidence in this case does not sustain the allegation of the said Alice McNeely that she is the daughter of said Tobe McIntosh.

The evidence further shows that on June 23, 1895, said Alicie McIntosh was an adult, and that on said date she was

not a resident of the Creek Nation or of the Indian Territory.

The evidence and the records of this office fail to show that the name of said Alice McNeely appears upon the 1890 authenticated tribal roll or the 1895 pay roll of the Creek Nation; or that she has ever been admitted to citizenship by any of the Creek Tribal authorities; the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory on appeal.

It is, therefore, ordered and adjudged that said Alice McNeely is not entitled to be enrolled as a Creek Freedman under the provisions of the Act of Congress approved March 1, 1901 (31 Stats. L. 861) and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.



COMMISSIONER.

FEB 13 1907

Muskogee, I.T.

May 15, 1905.

To the Hon. Secretary of the Interior

Washington, D.C.

The affiant Alice McIntosh nee McNealy makes applications as citizen of the Indian Territory as Freedman the name of my farther is Tobias McIntosh whose name appears upon the Dun Roll of 1867. My mothers name is Tamah who is now dead and also appears on the roll.

I must most Respectfully ask your consideration in this matter and please to inform me at once.

Yours very truly,

Alice McIntosh

Box 832

Muskegoe, Indian Territory, Nov 10th 1905

To the Hon Secretary of the Interior,

Washington, D.C.

Sir:

Please to forward to me the returns of my papers that I
transferred to you some time ago in regards to my daughter
Alicia McIntosh.

Very respectfully yours and

Tobias McIntosh

Box 332

Or.En. 1032

JCL

Muskogee, Indian Territory, March 15, 1906

Alice McNealey,

General Delivery,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907 affirmed the decision of the Commissioner to the Five Civilized Tribes denying the alleged application for the enrollment of Alice McNealey as a Creek Freedman.

Respectfully,

Commissioner.

Ordn. 1022.

Washoe, Indian Territory, February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Alice McNealey, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

EW-106.

Through the Commissioner
of Indian Affairs.

Cr. No. 1032.

Muskogee, Indian Territory, February 15, 1907.

Alice McNealey,
General delivery,
Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM-104.

Cr.En.1032.

Muskogee, Indian Territory, February 18, 1907.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Alice McNealey, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IM-105.

Refer in reply to the following:
Land 16592-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Alice McNeeley as a Creek freedman, including the decision of Commissioner Bixby dated February 13, 1907, adverse to the applicant.

The decision of Commissioner Bixby has been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

FEM.Ph.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
S.P.

I.T.D.

6910, 6406, 6616, 6654, 6728-1907.
6744, 6748, 6750, 6752, 6763- "
6764, 6802, 6804, 6810, 6834- "
6844, 6876, 7014- "

March 2, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship
cases adverse to the applicants are hereby affirmed.

Copies of Indian Office letters submitting your reports
and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Isacarel Grayson (freedman)	February 18, 1907.
Ema Grayson (freedman)	February 7, 1907.
Eva Bruner (freedman)	February 13, 1907.
Oliver Elliott	February 16, 1907.
Florence M. Coker	February 16, 1907.
Johnny Petter (freedman)	February 16, 1907.
William H. Hardridge (deceased)	February 16, 1907.
Theodore Hawkins (freedman)	February 16, 1907.
Any Franklin, et al. (freedman, deceased)	February 16, 1907.
Jennie Myers (freedman)	February 13, 1907.
Alfred Mayfield (deceased)	February 14, 1907.
Alice M. Gealey (freedman)	February 15, 1907.
Battie Scott (freedman, deceased)	February 14, 1907.
Lurie McKimmon	February 14, 1907.
Washington McIntosh (freedman, deceased)	February 23, 1907.
Roman Johnson, et al.	February 23, 1907.
Spencer Thomas et al. (freedman)	February 23, 1907.
Timber Love (deceased)	February 23, 1907.

A copy hereof and the papers in the above mentioned
cases have been sent to the Indian Office for its files.

Respectfully,

18 inc. and
26 to Ind. Of.

(Signed) Jesse N. Wilson,

Assistant Secretary.

1-4-07.

CR EN 1033

CR EN 1033

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 14, 1906.

In the matter of the alleged application for the enrollment of Arcey Wofford as a citizen of the Creek Nation.

APPEARANCES: Donovan & Greisel attorneys for applicant.

ARCEY WOFFORD, being duly sworn, testified as follows:

- Q What is your name? A Arcey Wofford.
- Q How old are you? A I don't know, somewhere in forty.
- Q Do you think you are as much as fifty? A I don't know; I might be, can't tell how old I am.
- Q Do you think you are as much as 45? A Yes, sir.
- Q Do you think you are any older than 45? A I might be a few months older.
- Q Have you any record showing your age? A No, sir I haven't any record showing my age.
- Q Have you any living relatives older than you are who could state your age more accurately? A No, sir.
- Q What is your post office address? A Muskogee.
- Q Do you appear here as an applicant for enrollment as a citizen of the Creek Nation? A Yes, sir.
- Q Do you claim to be a freedman of the Creek Nation or a citizen by blood? A I am both.
- Q Which of your parents was a citizen of the Creek Nation by blood? A My mother. My father he was mixed breed, half white and half Indian.
- Q Your mother was what? A Dark woman.
- Q She was a negro woman? A Yes, sir.
- Q Full blood negro? A I guess so, I can't tell. She had Indian in her, she was brown.
- Q Did you ever make application to the Commission for citizenship in the Creek Nation? A I came here to make it and they didn't have time to make it.
- Q When did you appear here first to make application? A The last of July or August 1904 or the first of August, either the last week in July or the first of August 1904.
- Q Was that two years ago? A Two years. Before the rolls closed.
- Q Where did you come? A To the Dawes Commission office.
- Q Where was that office? A I don't know sir. I didn't know one from the other.
- Q What building was it in? A I don't know, but it was the Dawes Commission office though.
- Q What town was that office in? A Here in Muskogee.
- Q Where was the building located? A I can't tell you. The first time it was before it was moved.
- Q Before the office was moved? A Yes, sir.
- Q How many years ago that first time? A That has been two or three years ago. Three years I believe, in the fall.
- Q Can you tell me what building? A I can't tell what building. The second time I came back I had my seminlaw; the first time I had my little boy with me.
- Q When you came the first time did you have any one with you except the little boy? A Not until I came to the stair steps.
- Q When was the first time you came to make application to the Commission, was that in July or August 1904? A Yes, sir.
- Q Did you ever make application before that? A Yes, sir.
- Q How did you try? A I came to the Dawes Commission.

Q Where is the building? A I don't know, down on a corner.

Q What corner? A I don't know one street from the other.

Q How long have you lived in Muskogee. A Four years.

Q Don't you know the name of the street on which the Dawes Commission building is located? A No, sir I don't know one street from the other now.

Q When you came up here to go before the Dawes Commission building was it in this building? A The second time it was in this building.

Q And that was in July or August 1904? A Yes, sir.

Q How did you make application the first time, what did you do when you came in? A A man appeared at the door and asked me what was my business; I said I came to see about application and he said "I haven't time to hear you."

Q How long before you made your second application? A Three or four weeks.

Q Probably about the first of July 1904? A Yes some where along there.

Q Do you know where the office was in the building? A It was in the main room when you come in at the stair door.

Q Did you turn to the right or left when you came up stairs? A To the left I think.

Q Who was with you? A Henry Hennison, my son-in-law.

Q Who was with you the second time, did you say only your baby? A It was my boy.

Q How old? A About thirteen.

Q What is his name? A Henry Wefferd.

Q Then the second time you came about a month later? A Yes, sir.

Q Who was with you the second time? A By myself and I got to the stair steps and I met Henry Hennison and he got me by the hand and carried me up to the office.

Q He came with you? A Yes, sir and Sam McGurdy was with me and he asked me what was my business and I told him I wanted to put in my application and he told me I didn't have time and he got me a chair and I sat down 3 or 4 hours.

Q Could you locate the office? A My boy could.

Q Was it in this building? A The second time was in this building.

Q Where did you make application the first time? A I didn't make it at all the first time.

Q What was the reason you didn't make it the first time? A They all seemed so busy and said it was too late in the day to make application and I went out.

Q And you waited a month and came again? A Yes, sir.

Q What did they do when you came the second time? A They told me they didn't have time.

Q Told you that the first time? A The first time said it was too late in the day and the second time said they didn't have time.

Q What did they do the second time, didn't give your testimony like today? A No, sir only just those words and Sam McGurdy brought me a chair and I sat a long time.

Q How do you remember it was along in July or August 1904? A I know it was then.

Q Did you make any note of it or have a witness to prove you were here then? A Yes, sir.

Q What witness? A My son-in-law and Sam McGurdy.

Q What your son-in-law's name? A Charles S. Allen., lives in Muskogee.

Q Who is another one? A Henry Hennison.

Q Is he any relation to you? A No, sir.

Q Where does he live? A On the Arkansas river.

Q Near Muskogee? A Yes, sir.

Q Any one else? A Sam McGurdy.

Q Where does he live? A At Tulsa.

Q Any one else? A No, sir.

Q That is all that were with you? A Yes, sir.

Q It appears from the records of this office that you have written letters under dated July 28, 1904, September 18, November 1 and 7 1905 addressed to the Secretary of the Interior and that replies were

made to said letters by this office with the exception of the letter of July 26 which was written from the office of the Secretary. In these letters it was stated that the records of this office do not show that any application had been made by you. We have no record of any application.

Q Where were you born? A Here in the Territory.

Q Where? A Between the two rivers.

Q What? A Arkansas and Verdigris.

Q Near what town? A Wybark.

Q How far from Wybark? A At a place they call Marshalltown.

Q How long did you live there after your birth? A I don't suppose I lived there very long before my mother was sold.

Q Do you remember your mother? A Just can.

Q Were you taken away from your mother when a baby? A Yes, sir.

Q Where taken? A My mother was sold and carried me to Alabama.

Q How long did you and your mother live in Alabama? A I can't tell you but I think long about 3 or 4 years before I was sold away from her.

Q Do you remember being in Alabama? A I just can but can't tell anything about it.

Q Did your mother continue to live in Alabama? A She was there the last account I had.

Q And you were sold away from your mother? A Yes, sir.

Q Where did you go then? A Texas.

Q Do you remember that trip to Texas? A No but I remember when the slaves come back from war, I was big enough to peep through a crack in the fence.

Q Where in Texas did you live? A In Madison county.

Q Near what place? A A little town named Midway.

Q How long did you live there? A About twelve years.

Q Until you were about seventeen? A I guess so about that age.

Q When were you married first? A I never married but once.

Q Where did you go from that point you called Midway? A Came to the Territory.

Q How old when you came to the Territory? A I was married when I came to the Territory.

Q Were you married in Texas? A Yes, sir.

Q How old when you married? A About fifteen or sixteen I reckon. I guess I was that old.

Q Who came with you to the Territory? A My family.

Q Of whom did your family consist? A My husband Henry Wofford, Aselene, Iza, Henry, Hence, Sarah, Cleo.

Q Those your children? A Yes, sir and Bertha and Lillygoddie.

Q Did they all come with you from Texas? A Yes, sir.

Q All those came with you from Texas? A Yes, sir.

Q Don't you think you must have been more than 15 or 16 when you came from Texas? A Yes, sir.

Q How many years had you been married before you came to the Territory?

A I have been in the Territory between 15 and 16 years.

Q How old when you came to the Territory? A I told you I didn't know my age.

Q You were about 35? A I expect I was as near as I can say.

Q Are those children you have named and who you say came with you to the Territory are they living? A Yes, sir.

Q All of them? A Yes, sir.

Q You have no children dead? A Yes, sir.

Q And those children were born and died? A Here in the Territory.

Q Have you any children living who were born since you came to the Territory? A Yes, sir.

Q What are their names? A They are dead.

Q Have you had any children since you came to the Territory? A Two.

Q Are they living? A Dead.

Q What were their names? A Never named them.

Q When did they die? A Directly after they were birthed.

Q Didn't live as much as a month? A No, sir.

Q What is the name of your mother? A Maria.

Q Maria what? A Maria Marshall.

Q Do you claim your mother was a citizen of the Creek Nation? A Yes

Q By blood or freedman? A Freedman.

Q Do you know whether her name appears on any of the authenticated rolls of the Creek Nation? A No, sir.

Q Do you know whether her name appears on the Dunn roll? A I think it does.

Q Under the name of Maria Marshall? A Maria Grayson.

Q How did she come to have a second name? A I think she went by the name of her boss.

Q Who was she a slave of? A McIntosh.

Q Ever a slave of a man named Grayson? A She was sold to Grayson by a man named Crabtree.

Q And Crabtree sold her to whom? A Grayson I think that was the way.

Q Where did that happen-in the Territory? A I can't explain. I was young.

Q Most all that you have told me about yourself and your mother is something that has been told you? A No, I know; I heard her say when I was little.

Q When you left your mother in Alabama you said you were a very little girl? A I was standing around her knee.

Q Could you remember what she told you? A She would be talking to the neighbors.

Q If you were only five could you understand anything your mother would tell you about being a slave of certain persons? A I can remember a little of it. I was standing around her knees.

Q Have you a good memory? A Very good

Q Good for dates? A Yes, sir. If I knew a date I never forget it.

Q Do you know if your mother ever received any money from the Creek Nation? A No, sir.

Q Or the United States government at any time? A I don't know that; I was too small when I left and I haven't seen her since.

Q Do you know if her name appeared on the roll or have you heard it appeared on the Dunn roll? A I never heard her say; she would tell her neighbors but I can't remember all of it.

Q Do you know if your mother was ever admitted to citizenship by act of the Creek council? A I can't tell that but I think I have people that can.

Q You know nothing about the tribal status of your mother except something that has been told you? A I left her as a little child and I hadn't anything to keep me posted.

Q What was the name of your father? A Lewis McIntosh.

Q Was he a citizen of any of the nations in Indian Territory? A Yes

Q To what tribe did he belong? A Creek.

Q Are you sure? A I have heard my mother say.

Q Did you hear her say that when you were five years old? A Yes, sir

Q And you can remember she said that? A I remember a little of it.

Q What else did you hear her say when you were five years old.

Q Do you actually remember that your mother did tell you anything when you were five years old? A I heard her talking to the neighbors that is all I know. I didn't ask her. I was standing around her knee.

Q You stated that your father was a Creek Indian, was he a full blood?

A No, sir half white, half Indian.

Q Any negro blood? A No, sir I don't think he had

Q Where born? A I can't tell.

Q Where did he live most of his lifetime? A Here in the Creek Nation.

Q Do you know where? A No, sir.

Q Do you know whether he was a recognized citizen of the Creek Nation recognized by the tribal authorities? A No, sir I don't know that.

Q Do you know whether he ever received any payments? A I don't know anything about that.

Q Do you know whether he was admitted by act of council? A I don't know anything about that.

Q You know nothing about his tribal status except that it has been told you he was a Creek Indian, is that correct? A Yes, sir.

Q You stated that you came back here about 15 or 16 years ago, is that right? A Yes, sir.

Q Lived in the Territory here ever since? A Yes, sir.

Q Ever been out? A About six years ago I went back to the edge of Texas and staid a year or two and came back.

Q You came back here 15 or 16 years ago and brought your family and after you had been here five or six years you went to Texas, is that correct? A Yes, sir.

Q Where did you come? A South McAlester.

Q Didn't come to the Creek Nation? A No, sir.

Q How long were you in South McAlester? A A year and a half or two years.

Q As much as three years? A Not exactly three years.

Q Where then? A Up on the Arkansas river.

Q In the Cherokee Nation? A No, sir here.

Q In the Creek Nation? A Yes, sir.

Q North of Muskogee? A Yes, sir.

Q Towards Ft Gibson? A Yes, sir.

Q How long did you stay here then in the Creek Nation? A When I left South McAlester been here 6 or 7 years.

Q Part of the time in the Cherokee Nation? A Yes, sir around South McAlester.

Q For your information I will state that South McAlester is in the Choctaw Nation.

Q When you came back here on the Arkansas river were you in the Cherokee Nation? A No, sir.

Q You were in Fort Gibson? A I was right at the bridge.

Q You were living right in Fort Gibson? A No, sir.

Q How long have you lived here since then? A Four years going on five.

Q Will you state the reason you have not appeared before this Commission and made greater effort to establish your alleged right as a Creek citizen? A Yes, sir because I didn't know how, none of us could read or write and we didn't take any papers and we didn't know anything about it until these late years.

Q Didn't any one ever tell you that you were entitled to rights in the Creek Nation until 3 or 4 years ago? A No, sir.

Q No one told you that until 3 or 4 years ago? A No, sir. I knew I had Indian blood but I didn't know I could come back here.

Q Didn't you know in what nation you were entitled to rights until 3 or 4 years ago? A Yes, sir.

Q Have you any brothers or sisters who are recognized citizens of the Creek Nation? A I don't know. When I left my mother she had a little sucking baby.

Q You don't know whether that baby is living or not? A No, sir.

Q You stated you didn't know whether your mother's name appears on any of the tribal rolls, you don't know whether your father was admitted to citizenship or name appears on any of the tribal rolls, on what do you base your claim to citizenship in the Creek Nation? A By my mother and father.

Q By what some one told you? A No, sir. This old man Crabtree sold mother.

Q How do you know anything about Crabtree? Did he ever live in the Territory? A He passed backwards and forwards here.

Q Weren't you sold from the Territory to some person in Alabama? A Yes.
 Q Who sold you from the Territory to some person in Alabama? A McIntosh.
 Q Who told you that? A Crabtree.
 Q What is the full name of Crabtree? A Nothing only Crabtree.
 Q Who sold you from Alabama when you went to Texas? A Mr. Crabtree sold my mother and he sold me to a young lady and this young lady married a man and he carried me to Texas.
 Q You were old enough to remember some events during the war? A When the soldiers came back.
 Q Were those soldiers coming back when you yet lived in Alabama? A Yes.
 Q You refer to when you lived in Texas? A Yes, sir.
 Q These children you have named where do they live? A In Muskogee.
 Q How many children have you living? A Thirteen.
 Q If it is considered that there is sufficient proof to establish the fact that you made a previous application, do you wish to make application for the enrollment of any of your children? A Yes, sir I do.
 Q How many children have you living who are minors? A All these I named are under age.
 Q What is the name of your oldest child? A Susie.
 Q How old is Susie? A About 27 or 28.
 Q Is she married? A Yes, sir.
 Q What is her name? A Furtle.
 Q What is the name of the next? A Rodolph.
 Q How old is Rodolph? A Susie is 15 months older than Rodolph.
 Q Name the next? A Maria.
 Q How old? A 16 months younger than Rodolph.
 Q Name the next? A Daisy.
 Q How old is Daisy? A 17 months younger than Maria.
 Q What is the name of the next? A Joe.
 Q How old is Joe? A About 23.
 Q What is the next? A Aselene Brown, between 18 & 19, she is married here in Muskogee.
 Q What the name of the next? A Eliza.
 Q How old? A Seventeen.
 Q As much as eighteen? A She is hardly 18.
 Q Married? A No, sir.
 Q Living with you? A Yes, sir.
 Q Name of next? A Henry.
 Q How old is Henry? A About 16.
 Q Living with you? A Yes, sir.
 Q Next one? A Hance.
 Q How old? A About 13.
 Q Next one? A Sarah.
 Q How old? A About 10.
 Q Next? A Cleo.
 Q How old? A Eight.
 Q Next one? A Martha.
 Q How old? A About 7.
 Q Next? A Lillygoddie.
 Q How old? A Five.
 Q Any more? A The rest are dead.
 Q How many husbands have you had? A One.
 Q Father of all these children? A Yes, sir.
 Q What is his name? A Henry Wofford.
 Q Living? A Yes, sir.
 Q In Muskogee? A On the Arkansas river.
 Q Citizen of any nation? A Cherokee, but never tried for his rights, colored man but don't look like one.
 Q Ever make application for the enrollment of any of these children in any other nation? A No, sir.
 Q If you are allowed further time in which to introduce evidence in this case have you any other evidence to introduce? A Yes, sir.
 Q What are the names of those witnesses? A Wiley Seaboy, Tom Adams at Okmulgee and Tene McIntosh.

Q What will those witnesses testify to if they appear before the Commissioner? A You will have to ask them.

Q No, I ask you, what do they know about your case? A They will testify what I have said.

Q That you went away from here and that you lived in Alabama and Texas and came back here? A Yes, sir. Bill McKene is another.

ATTY. FOR APPLICANT.

Q Have you ever been to Wiley McIntosh to help you? A I went to him after I went to the Dawes Commission and he wrote the application for me. He knew my people.

Q Do you know when was the first time you went to Wiley McIntosh? A 13th day of August 1904.

Q How many times have you been to him? A A hundred.

Q How much money have you ever paid him to help you? A \$46.00

Q At different times did you? A Yes, sir.

Q How much the first time? A First time \$5.00 and \$5.00 more makes the ten.

Attorney offers in evidence receipt for \$10.00 which purports to be a receipt signed by Wiley McIntosh reading as follows: Received from Alcey Wofford sum of \$10.00, issued Aug. 30, 1904. signed Wiley M. McIntosh.

Q Do you remember going to Wiley on the 13th of August 1904? A Yes, sir

Q Any money ever paid? A \$5.00 then and \$5.00 more and he gave me a receipt for \$10.00

Q Did he bring you ever here? A No he said it wasn't any need that he had been working for the Government for ~~thirty~~ nine years and he did the same work.

Q What did he tell you that money was necessary for? A Said I had to pay that for the application, that that was what everybody paid for an application.

Q Was that for services? A It was to pay him for doing this work. Then he got a letter and he sent for me and he read it and said it was Secretary Wright and that he had to have \$5.00 to turn back with this letter and I give him \$5.00

Q Wiley McIntosh told you this money had to be sent to a secretary by the name of Wright up there? A Yes, sir

Q Did he tell you he had a lawyer up there doing the work? A He said he was the man helping and that every time he looked up the books he had to have \$5.00

COMMISSIONER.

Q Is it a fact that you ever did make application to the Commission or did you merely go to this man Wiley McIntosh? A Yes, I went to the Commission and they didn't hear me.

Q When did you come up, the same time you went to Wiley McIntosh?

A When I went there the first time and he said it was too late and I met a man and he said Wiley was doing the same work and I went to Wiley.

Q Did Wiley tell you he represented the government? A He said he had worked for the government 29 years.

ATTY. FOR APPLICANT.

Q What did you do here? A I came here and it was so crowded I didn't do anything but stand around and I went down to Wiley.

Q Who took you down to Wiley? A Charles Allen carried me down.

COMMISSIONER.

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Q Did you really appear to the Commission or an employee of the Commission in the office of the Commission and make application or did you merely come up in the hallway and found it crowded and went away? A I went inside.

Q Did you appear before a man and have your testimony taken? A No, sir.

Q When did you appear before? A I don't know the man's name.

Q Was he standing beside a desk? A He was sitting down and got up and spoke to me and said he was too busy.

Q What time was that? A In the morning.

Q The second time you came up was towards evening? A I was here that morning before the rolls closed in the evening.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

Anna Garrigues

Subscribed and sworn to before me
this 21 day of May 1906.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY,
MAY 15, 1906.

In the matter of the application for the enrollment of
Ah-se-na Wofford, et al., as citizens of the Creek Nation.

Henry Henderson, being duly sworn, testified as follows:

- Q What is your name? A Henry Henderson.
- Q What is your age? A I don't, I suppose about 55 or 56.
- Q What is your post office address? A Muskogee.
- Q Are you acquainted with Ah-sena Wofford? A Yes sir, I have known her something about four years.
- Q When did you first meet her? A When she was living out here on the Clarksville road just on the edge of town.
- Q Are you a citizen of the Creek Nation? A No sir.
- Q You are a citizen of the United States? A I am a citizen of the Cherokee Nation.
- Q Do you know anything in regard to an alleged application for the enrollment of Arsena Wofford? A Only this--all I can tell you was that I came up the steps here---
- Q Of where? A Outside here, I was coming here to meet my brother--
- Q Of what building? A This building--my brother's horses I was in possession of --they got away---he was police at that time, and I came to report to him about his stock getting away off the farm, and I meets this boy of hers, I don't know what his name is, I meets him down there and I says to him "Sonny have you seen Sam, my brother", and he says "Yes sir", and I says "Where is he" and he says "He just come out of the post office and gone up stairs in that building.
- Q Was the post office in this building at that time? A Yes sir, I think it was around here --in the corner of this building.
- Q Did he say anything more to you? That boy of hers that you met?
- A No sir, just said he went up stairs.
- Q Who is Sam you refer to? A My brother. Before I had this conversation this lady---
- Q What lady do you mean? A Lucinda Wofford.
- Q Well,--- A Well, she says Henderson, I wish to see you she said you know where your brother is. I said I don't know, he is up stairs somewhere.
- Q Afterwards when you saw her-----? A She asked me about Sam, he was up stairs in this building and when I come up stairs I went in on the right hand side of the door and he ~~xx~~ was standing there, I could tell him by the shirt he wore.
- Q Was that up stairs in this building? A It appears to me it was.
- Q In which direction from stair way was the office that you went in? (He pointed in the direction toward the west of the building).
- Q What is the name of that brother of yours you came up to see?
- A Sam McCurtain.
- Q Is he a full brother? A No sir, half brother.
- Q Do you know when it was when you came up to see that brother Sam? A It was along about the latter part of July, the horses got away on a Sunday and I came to see on a Monday.
- Q Do you know what year that was? A I don't know the year exactly, I believe it was in 1904.
- Q It was in the summer time? A Yes sir.

Q You say he was up here? A Yes sir.

Q Did you see Lucinda Wofford? A Yes sir. She was right here there was a man talking to her but I didn't hear the conversation.

Yes sir I saw here right here in the hallway.

Q Did you see anyone else with her? A No sir, just that man talking to her.

Q Did she appear before the Commission and made application?

A I couldn't tell you. She was here in the hallway.

Q In the hallway? A Yes sir. And when I left she was here yet, that is all I know about it.

By Mr. Griesel. That woman's name is Ahsena Wofford instead of Lucinda Wofford? A Yes sir.

Q The same woman that was in the office this morning? A Yes sir.

Q What was Sam McCurtain doing here? A Kinder of an interpreter here for some of those Indians.

Q You are a citizen of the Cherokee Nation? A Yes sir.

Q You brought Lucinda Wofford up here? A No sir, she was here when I came up here, she was in the hallway.

Q You say that was in July-- the latter part of July or the early part of August? A Yes sir. somewhere near that.

Q Could it have been in 1905 instead of 1904? A I didn't keep no count.

Q Was it three years ago or two years or one year ago? A Up to now, it is three years ago.

Q Pretty near three years now? A Will be three years the latter part of this coming July.

Q What year is this Henderson? A 1906, They call it.

Q What year was last year? A 1905.

Q Was it that year? A No sir.

Q What was the year before that? A 1904.

Q Was it that year? A Yes sir. in that year.

Q How many years ago was that? A Makes three years--will be the latter part of this July coming.

Q Will be three years this coming July? A Yes sir, the latter part, what date exactly I don't know.

Q July of last year will be one year? A Yes sir.

Q July of 1904 would be two years, would't it? A Yes sir.

Q Wasn't it in that year? A Somewheres near about that.

Q Would that be three or two years? A Will be three years this coming July I didn't keep no count in that.

By the Commission.

Q When did those cattle got loose when you saw Sam, was that three years ago,--will it be three years ago next July or two years? A Three years cause my mother moved away from here and went to Tulsa.

Q When did she leave? A The 9th day of last February.

Q This February, 1906? A 1905. Yes sir, this is a 1906 now.

Q Then she went away a year ago? A Yes sir.

Q How long before those cattle got loose? A It wasn't cattle it was horses.

Q How long before that? A It was two years.

By Mr. Griesel.

Q Your mother went away a year ago this last February, didn't she? A Yes sir.

Q And you lost your horses two years before that? A Yes sir.

Q That would be 1903? A That is what I am going to get straightened out.

Q You said several times that you didn't come up here last year or the year before that, 1904? A I said it seems to me like it was in 1904, I don't know the year or the date, but I know it was the latter part of July, but what date exactly I couldn't tell you. I was here on a Monday and the horses got away on a Sunday night.

By the Commission:

Q You remember seeing this woman ^{up here} from the fact that you had come up here to see your brother Sam about those horses.

A Yes sir.

By Mr. Griessell:

Q How long was your brother an Indian police? A Several years.

Q Was he a police last year? A Yes last year and the year before that.

Q When did he quit? A I couldn't tell you exactly what time, he cussed Mr. Shoenfelt and was discharged.

Q Mr. Shoenfelt discharged him in December, didn't he, I guess as he cussed Mr. Shoenfelt and got discharged.

Q When was that? A I couldn't tell you what month it was.

Q Was it a year ago? A Yes, sir, more than a year ago. Before he moved away from here.

Lena Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lena Merrick

Subscribed and sworn to before me this 16th day of May, 1906.

W. H. Harris

Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 16, 1906.

In the matter of the application for the enrollment
of Arcena Wofford as a citizen of the Creek Nation.

CHARLES S. ALLEN, being duly sworn, testified as
follows:

Q What is your name? A Charles S. Allen.
Q What is your age? A Forty.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Citizen of the United States? A Yes, sir.
Q Are you acquainted with Arcena Wofford? A Yes, sir.
Q How long have you known her? A About 15 years.
Q Where did you first meet her? A Here in the Territory.
Q Do you know whether she claims to be a citizen of the Creek Nation?
A I know she always claims to be but I only got acquainted with her
through soldiering. I married her daughter.
Q What is the name of the daughter? A Daisy Allen.
Q Do you know anything about the matter of an alleged application
made by Arcena Wofford for enrollment as a Creek citizen? A I
brought her down several times to make application; she made it through
Wiley McIntosh.
Q When did you first bring her before anybody to see about her alleged
right as a Creek? A I don't exactly remember the date, but she made
this application.
Q How do you know? A Because she told me.
Q When did she tell you? A Some time in August.
Q What year? A 1904.
Q She told you she made that? A Yes, sir.
Q Is that all you know about her making an application is what she
told you? A Yes, sir and the receipts she paid Wiley McIntosh.
Q For making the application? A Yes, sir.
Q Did she go before Wiley McIntosh in August 1904? A I couldn't say
whether she did or not, she went before him prior to my coming to
Muskogee.
Q When did you come to Muskogee? A Kansas City.
Q From Kansas City; when? A Some time in August 1904.
Q Do you know whether she ever appeared before the Commission for
making application? A I am the first one that appeared here to the
Commission for her application.
Q A moment ago you said she appeared before Wiley McIntosh? A She did
appear before Wiley McIntosh but she wasn't satisfied and she wanted
me to bring her to the Daves Commission as I was going to town.
Q Where was she living? A On West Emporia street here.
Q Did you come with her to the Daves Commission building? A Yes, sir.
Q What building was that? A It appears to me it was this building.
It seems to me like I came up this side and turned to the left. It
doesn't seem like it was this room. I remained in the hall while she
went in.
Q Do you know what happened when she went in? A Only that it was as
much as we could do to get in, it was so crowded.
Q Did you go in with her? A No, sir.
Q Did you hear any conversation that took place between her and any
employee of the Commission? A No, sir.
Q What room did she go in to? A Went in to the left.
Q When was that? A In August 1904.

Q How do you happen to remember that date so well? A I know because I hadn't been long arrived here and it was about my first time in town after getting off the train.

Q You didn't know or did you know she made an application to the Commission? A Only what she told me; she told me when she came it was too late. It was late in the evening and she said it was too late in the evening.

Q Did she ever make any other application? A Not to my knowledge; not until after the rolls closed.

Q When did the rolls close? A September 1

Q Did she go after that? A Yes, sir.

Q When was that you came? A I can't remember the month but I entered from Okmulgee street and came up where that sign is that notified the rolls were closed.

Q Did you go in the building with her? A Yes, sir.

Q Which stairway did you come in? A Off Okmulgee.

Q Do you know whether they did anything at that time? A The Commission didn't do anything at that time. I was present and heard it.

Q Why didn't she go again in August if she came too late of an evening.

A I don't know, I went to Broken Arrow and didn't know much about it after that time but I brought her down at the time I was coming to town with the wagon.

Q Do you know anything about her ever being recognized as a citizen of the Creek Nation? A No, sir. (By ATTORNEY)

Q Did you meet any one in the hall that evening? A Only one man that I became acquainted with since.

Q Who was that? A Sam McCurtain.

Q Do you know what he was doing here? A No, sir

COMMISSIONER.

Q Were there many people in the hall when you came? A Yes, sir.

Q Do you remember meeting any one else besides Sam McCurtain? A No body else, I became acquainted with him since then; at that time I didn't know anybody but my mother-in-law and her family.

ATTORNEY:

Q How long did you linger there after seeing that crowd? A About half an hour.

Q Did Anna go in? A Yes, sir

COMMISSIONER:

Q You are speaking of that first time in August? A Yes, sir

Q Did you hear any conversation that took place in that room? A No, sir

Q Do you remember the exact time of day you were here? A No, sir.

Q Do you know how long she staid in the hall? A No, sir

Q Do you know how long she staid in the room? A No, sir but I know it was a considerable while; I was going backward and forward after my team; I had them on the street and when I came back she said it was too late.

Q Was she sick in August 1904? A Yes, sir some time along that time.

Q Are you sure of that? A Yes, sir she is sick very often.

Q She had been trying to get her alleged right through Wiley McIntosh?

A Yes, because he was the first one that told us about it. I told her in the first place the Dawes Commission was the place.

Q Do you know whether she paid him any money? A Yes, sir I went by the receipts and outside of that I couldn't tell.

I, Anna Carrigues, do oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

Subscribed and sworn to before me this 24 day of May 1906.

Anna Carrigues

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, June 1, 1906.

In the matter of the application for the enrollment
of Arsena Wofford, et al. as citizens of the Creek Nation.

APPEARANCES: Donovan & Griesel attys. for applicant.

SAMUEL McCURTAIN, being duly sworn, testified as

follows:

- Q What is your name? A Samuel McCurtain.
Q What is your age? A Forty five or six.
Q Are you a citizen of the Creek Nation? A Of the Cherokee Nation.
Q Received your allotment as a Cherokee? A Yes, sir.
Q Are you acquainted with Arsena Wofford? A Yes, sir.
Q Does she go by any other name than Arsena Wofford? A By Marshall.
Q Her maiden name was Marshall? A Yes, sir.
Q When did you first get acquainted with Arsena? A Over a year ago.
First time when she came to file.
Q When was that? A I couldn't tell exactly.
Q Did you know her before that time? A I didn't know her right there
but she was over to her mothers, I was there after some cattle at the
time.
Q Were you acquainted with the mother of Arsena Wofford? Yes, sir.
Q How long were you acquainted with her? A For some time.
Q How long? A I couldn't tell exactly.
Q Have you been acquainted with her for three years? A Yes, sir longer
than that.
Q You say you never met Arsena until you came up here in the office
and you didn't know her then personally? A No, sir.
Q And you saw her with somebody else? A Yes, sir.
Q Who was she with? A A whole lot was sitting around.
Q When did you first find out that that was Arsena Wofford? A I
couldn't say; it was in August or July or June, along about that time.
Q You didn't know that was Arsena Wofford you saw then did you?
A Yes, sir I knew it was her.
Q How did you know that? A She was standing by the door and she spoke
to me and I said Mrs Wofford, how do you do, and gave her my chair.
Q How did you know it was Arsena Wofford? A I passed by her house.
Q How long before that day that you gave her the chair that you got to
know her personally? A I reckon about a little over a year or a year
and a half.
Q Did you as much as a year or a year and a half before that talk to
her? A Yes, sir.
Q What did you mean then that the first time you met her was up here
at the office? A That was the first time in the office.
Q When was the first time you ever met her at any time? A I met her at
the office and I met her at her mothers.
Q When was that? A It was in June, or July or August?
Q That is the time you gave her the chair? A Yes, sir.
Q Did you know her before that time? A Never did know her before that
until afterwards.
Q After that did you recognize that the woman you saw in the office
was Arsena Wofford? A That is what I mean.

Q What office was she in? A In the Creek land office.
Q Was it in this office here? A I think either this one or that one.
They all look alike to me.
Q Did you come in this direction when you left the stairway? A I couldn't say; I didn't pay much attention.
Q Do you know what she came up here for? A I don't know exactly.
Q What did she do? A I don't know.
Q How do you know that was Arsena Wefford, was that the first time you got acquainted with her? A The first time I got acquainted with her was right over there at her house.
Q Why then did you say twice that the first time you got acquainted with her was up here in the office? A I said the first time I met her was over to her mothers.
Q You were asked twice slowly and distinctly where was the first time you got acquainted with this woman and you said up here in this office, is that true? A The first time I met her over here on the way when I first met her in the office.
Q If that was the first time you ever met her, how did you know it was Arsena Wefford? A The first time I was at her mothers; I was there getting cattle at the time and her mother said "That's my daughter or sister and I said that's a nice looking girl."
Q Did this Marshall woman say that Arsena Wefford was her daughter? A I think she did so; she said that is my daughter or sister and I think she said daughter.
Q That time you were after cattle and were at Marshalla was that before or after you saw Arsena up here? A Before I saw her up here.
Q How long before was it? A I couldn't say.
Q Was it a month or two? A Quite a while.
Q A year or so? A More.
Q You are not well up in dates? A No, sir.
Q You are not educated? A I can write my own name.
Q You don't know that she came up here to make an application do you? A Not personally I can't say.
Q Did you have any conversation with her? A Not a bit.
Q You merely saw her up here? A Yes, sir.
Q What month? A I won't be positive.
Q Was it in the summer? A In August, June or July.
Q You think it was in June, July or August? A Yes, sir.
Q Do you think it could have been in September? A I wouldn't be positive, it might have been; I haven't kept the dates.
Q When was that, last summer? A I couldn't tell; I wasn't here last summer.
Q Was it the summer before last? A I think about that, not last summer but the summer before that.

BY ATTY. FOR APPLICANT.

Q Didn't she tell you that she came up here to get her rights for herself and children? A I wouldn't say she did.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 8 day of June 1908.

Anna Garrigues

H. H. Harris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Arcey Wofford, Susie Purdie, Rodolph Wofford, Maria Wofford, Daisy Allen, Joe Wofford, Acelene Brown, Eliza Wofford, Henry Wofford, Hencie Wofford, Sarah Wofford, Olee Wofford, Bertha Wofford and Lillygoddie Wofford as citizens of the Creek Nation.

D E C I S I O N

The record in this case shows that on May 14, 1906 Arcey Wofford appeared before the Commissioner and testified in the matter of an application alleged to have been made for her enrollment as a citizen of the Creek Nation, and also attempted to make application for the enrollment of certain of her children as such, claiming her right to enrollment as a citizen of the Creek Nation both as a citizen by blood and as a Creek freedman, at which time she stated that she had theretofore addressed a communication to the Secretary of the Interior relative to her right to enrollment as a citizen of said nation. Further proceedings were had May 15, 1906, May 16, 1906 and June 1, 1906.

It appears from the records of this office that on July 17, 1905 Arcey Wofford addressed a communication to the Secretary of the Interior, which appears to have been intended as an application for her enrollment as a citizen of the Creek Nation, which on July 26, 1905 was referred to the Commissioner to the Five Civilized Tribes for consideration and appropriate action and was received by him July 29, 1905; that on September 14, 1905 Arcey Wofford addressed a letter to the Commissioner with reference to her alleged right to enrollment as a Creek citizen, which was received by him on the same date; and that on October 26, 1905 Arcey Wofford addressed a communication to the Secretary of the Interior, asking certain information relative to her application for enrollment, which on November 2, 1905 was referred to this office and received at said office on November 6, 1905. It appearing that the said Arcey Wofford and Arcey Wofford, the principal applicant herein, are the same person, and in order that the rights of the applicants herein may be protected, said communication addressed to the Secretary of the Interior under date of July 17, 1905 and received at this office July 29, 1905 is herein considered an original application.

for the enrollment of said Arcey Wofferd and her children Susie Purtle, Rodolph Wofferd, Maria Wofferd, Daisy Allen, Joe Wofferd, Acelene Brown, Eliza Wofferd, Henry Wofferd, Hence Wofferd, Sarah Wofferd, Cleo Wofferd, Bertha Wofferd and Lillygoddie Wofferd as citizens of the Creek Nation.

The evidence in this case shows that on March 14, 1906 the said Arcey Wofferd testified that she was forty-five years of age; that she was born at a place near Wybark, Indian Territory; that her mother was sold and taken to the state of Alabama when said Arcey Wofferd was a baby; that she was sold when a child and taken from Alabama to the state of Texas, and that she returned to Indian Territory about sixteen years ago.

The testimony heard May 14, 1906 shows that said Susie Purtle age twenty-eight years, Rodolph Wofferd age twenty-seven years, Maria Wofferd age twenty-five years, Daisy Allen age twenty-four years, Joe Wofferd age twenty-three years, Acelene Brown age nineteen years, Eliza Wofferd age seventeen years, Henry Wofferd age sixteen years, Hence Wofferd age thirteen years, Sarah Wofferd age ten years, Cleo Wofferd age eight years, Bertha Wofferd age seven years and Lillygoddie Wofferd age five years are the children of said Arcey Wofferd and Henry Wofferd, who is alleged to be a citizen of the Cherokee Nation, and that Susie Purtle, Daisy Allen and Acelene Brown are married.

The evidence and the records of this office fail to show that the name of said Arcey Wofferd appears upon the roll of Creek freedmen prepared by J. W. Dunn under authority of United States prior to March 14, 1867; that the names of said Arcey Wofferd, Susie Purtle, Rodolph Wofferd, Maria Wofferd, Daisy Allen, Joe Wofferd, Acelene Brown, Eliza Wofferd, Henry Wofferd, Hence Wofferd, or any of them, appear upon the 1890 authenticated tribal roll or the 1895 pay roll of the Creek Nation; or that said Arcey Wofferd and her said children, or any of them, have ever been admitted to citizenship by any of the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory on appeal.

The evidence and the records of this office fail to show that any application has ever been made for the enrollment of the said children of said Arcey Wofferd as citizens of the Cherokee Nation.

The application herein is considered in effect an election to have them enrolled as citizens of the Creek Nation. Although application herein was not made within the time designated by the Secretary of the Interior under authority in him vested by the provisions of the Act of Congress approved March 3, 1901 (31 Stat. L. 1010) jurisdiction to consider the same under the Acts of Congress approved March 1, 1901 (31 Stat. L. 861) and June 30, 1902 (32 Stat. L. 500) was given to this office and Department by the provisions of Section 1 of the Act of Congress

approved April 25, 1906 (30 Stat. L. 127).

It is, therefore, ordered and adjudged that said Arussy Wofford, Susie Fattle, Rudolph Wofford, Maria Wofford, Daisy Allen, Joe Wofford, Aseline Brown, Elina Wofford, Henry Wofford, Lena Wofford, Sarah Wofford, Elce Wofford, Bertha Wofford and Pollyaddie Wofford are not entitled to be enrolled as citizens by blood of the Creek Nation or as Creek freedmen under the provisions of the Act of Congress approved June 28, 1898 (30 Stat. L. 498) and March 1, 1901 (31 Stat. L. 861) or June 30, 1902 (32 Stat. L. 800), and the application for their enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory.

FEB 13 1907

COPY

Muskogee, I. T. July 17, 1905.

To the Hon Secretary of Interior

Washington, D. C.

Sir:

I am applicant for Citizenship of the Creek Nation
as Indian by Blood I live in the Indian Territory about
20 years or more I have Relative here in the Territory some of
my folks on the Dun Roll of 1867 I have sufficient witness
to prove the facts in my case

Please to inform me at once

Yours Truly

(Signed) Arceney Wofferd

Box 332.

6705- Received by Department Jul 20 1905
Received by Commission Jul 29 1905

COPY

Muskogee, I. T. Sept. 14, 1905.

to the Commission office
at Muskogee

I Arceny Wofford are en Receipt of a communication
from the sectary of Intearor notifying me case has been Refererd
to you for yor consideration

I wish to Hear from you at once

(Signed) Arceny Wofford.

Address Muskogee I.T.

Received September 14, 1905.

COPY

Muskogee, I.T., Oct 26th 1905.

To the Sect of Interior
Washing D. C.

Sir:

Please to advise me why I have not had a hearing before the Dawes Commission as I put my application in Aug 20th 1904 or on or about that date and has been to the Dawes Commission to see about it and the Commissioner say that my name does not appear on their Rools or in that office. Please to advise me if my application Reach your office before Sept 1st 1904 and oblige.

Yours very respectfully

(Signed) Arceney Wofford

Muskogee, I. T.

Received by Department Oct. 28, 1905.
Received by Commission Nov. 6, 1905.

No. 1033

Muskogee, Indian Territory, February 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There are herewith transmitted the record and decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Arcey Wofford, et al., as citizens of the Creek Nation.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

HCH-2-19-1907.

No. 1038

Muskogee, Indian Territory, February 18, 1907.

Arseny Wafford,

General Delivery,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your children as citizens of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register

HCH-2-18-1907

No. 1033

Muskogee, Indian Territory, February 18, 1907

Irwin Denevan,

Attorney for Arsany Wofford,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Arsany Wofford, et al., as citizens of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

MM-3-20-1907

No. 1013

Muskogee, Indian Territory, February 18, 1907.

M. L. Nett,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Arseny Wofford, et al., as Citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

HON-221-1907.

Refer in reply to the following:
Land 18321-1907

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 18 1907, transmitting the record relative to the application of Arcey, Rodolph, Maria, Joe, Acelene, Eliza, Henry, Hencq, Sarah, Cleo, Bertha and Lillygoddie Wofford, Daisy Allen and Susie Purtle for enrollment as citizens by blood of the Creek Nation, including the decision of the Commissioner, dated February 18, 1907, adverse to the applicants.

This decision has been examined and found to be correct and the same is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H.R.D. - NL

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JP
O.K.

I.T.D.
5844, 5858, 6058, 6062-1907.

March 2, 1907.

LMS

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.

Date of your
Letter of Transmittal.

Beaw Oudge (Freedman),
Johnny White et al (all deceased),
(Freedmen),
Arseny Wofford et al.
B. H. Freeman (deceased),

February 13, 1907.

February 9, 1907.

February 18, 1907.

February 19, 1907.

a copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

4 inc. and 8 inc.
to Ind. Of.

AFMc
5-2-07.

JWH

Cr. No. 1033

Muskogee, Indian Territory, March 2, 1907.

Arseny Wofford,

General Delivery,

Muskogee, Indian Territory.

Dear Madam :--

You are hereby advised that under date of March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself and your children, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Gr. No. 1038

W.H.
Muskogee, Indian Territory, March 8, 1907.

Irvin Donagan,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir :--

You are hereby advised that under date of March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Arseny Wofford and her children, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1035

CR EN 1035

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JUNE 7, 1906.

In the matter of the application of W.T. Petty to make application for enrollment as a citizen of the Creek Nation.

W.T. Petty, being duly sworn, testified as follows:

- Q What is your name? A W.T. Petty.
Q What is your age? A Born in 1869—36 years old.
Q What is your post office address? A Muskogee, I.T.
Q Did you ever make application for enrollment as a citizen of the Creek Nation. A I attempted to.
Q When? A Last April a year ago.
Q April 1905? A Yes sir.
Q In April, 1905? A Yes sir, I appeared several times and written letters to the Secretary.
Q Several times you appeared before you had written letters to the Secretary? A Yes sir. I made an attempt in April 1905, and afterward—
Q This letter to the Secretary was written September 5, 1905, wasn't it? A Somewhere about there.
Q What did you do that time in April 1905? A I asked them to be allowed to be enrolled.
Q Asked whom? A The enrolling officer.
Q Who was he? A I don't know what his name was.
Q Where was he? A Down in the hall here, he told me I was too late, a man in the Creek Enrollment Office.
Q Was it this room? A No sir. The first time I appeared here they were in the room next to Mr. Bixby's room, now, I appeared there with a Chectaw Indian.
Q When was the first time you came before before the Commissioner in any way? A In April.
Q Was that the first time? A I came in 1902, but there wasn't *nothing* said, they told me they were too busy and I didn't do anything.
Q You didn't do anything in 1902? Nothing more than what I said.
Q What was the name of the man? A The enrolling officer whoever he was, the room was crowded.
Q Q When you here in April you claim they wouldn't receive your application? A They said I was too late the rolls were closed.
Q Have you any witnesses of that occurrence with you? A No sir, not in the building.
Q What was the name of your father? A David Petty.
Q Was he a citizen of the Creek Nation? A No sir.
Q State man? A Yes sir.
Q Is he living? A Yes sir.
Q Where is he? A In Tennessee.
Q Did he do anything toward your enrollment? A No sir.
Q What was the name of your mother? A Ellen Petty.
Q Is she a citizen of the Creek Nation? A Well, she had a right here, she was born here.
Q She wasn't —she hasn't been recognized? A No sir.
Q Has she ever made any application for herself? A Not that I know of.
Q Not at all? A No sir.
Q Has she ever made any application for you? A I written to her and she said her father would see to it.
Q Your grand-father? A Yes sir.

Q You don't know whether he did or not? A No sir, I don't know.

Q You claim that your mother received money from the Creek Nation?

A Never did, sir.

Q You claim that your mother was not admitted to citizenship by the authorities of the Creek Nation? A No sir, I don't claim that she has.

Q Do you know what Creek Indian town she claimed to belong?

A Arkansas.

Q What makes you say that that was ^{her} ~~the~~ town? A Her father belonged there.

Q What was his name? A He was called Bob and sometimes George Lewis.

Q Is he living? A No sir.

Q When did he die? A Died in the 80s somewhere, probably '89. somewhere along there, 1890.

Q Do you know if she was on the Dunn Roll? A I think he was sir.

Q Did you ever receive any money from the Creek Nation? A No sir.

Q Have you ever been admitted to citizenship in the Creek Nation by any of the proper authorities? A No sir.

Q If given an opportunity in what way would you claim your rights in the Creek Nation, what do you base your citizenship on?

A From my grandmother and grandfather. My grandfather told me I would claim by blood. He was on the Freedmen Roll.

Q Who was on the Freedmen Roll? A My Grandfather.

Q But you don't claim that your mother is on the roll? A No sir, I claim---I haven't had opportunity to know.

Q Have you ever heard that she was on the roll? A No sir, I was anxious to know if she was on the roll, and when I came up here they told me I was too late.

Q The Dawes Commission didn't tell you she was on the Dunn Roll?

A No sir.

Q You wouldn't claim a right from a remote ancestor as your grandfather? A I think I would be entitled to.

Q How could you get rights through your grandparents when your parents have no rights? A She lived here before the Dunn Roll was made up, it was made in 1867, and she left this country before that about the close of the war.

Q When did she return? A She never returned to the Creek Nation.

Q Where were you born? A In Tennessee.

Q When did you ever come to the Creek Nation? A In 1902.

Q First time you ever came here? A I was here in 1890 a while down here at Summit.

Q Outside of that short visit to this country---you mean in 1900? A 1890.

Q Outside of that you have never been here until 1902? A I came in 1902.

Q Your mother was never in the Creek Nation, she has never been here since the war? A No sir. Not since the war.

Q Was your grandfather there? A No sir.

Q Where were you born? A In Tennessee.

Q How old were you when you came to the Creek Nation? A About 20.

Q And you only stayed a very short while? A I stayed about four or five months.

Q Where did you say that was? A Summit.

Q Did you do anything at that time? A I was working on a ranch.

Q I mean toward your citizenship? A No sir.

Q If your mother hasn't been in the Creek Nation since the war how do you expect her name to be on any of the tribal rolls?

A I supposed the father could put the children on the roll.

Q You said her father died in the 30s? A Yes sir somewhere along there. Could have been placed on the roll of 1867.

Q You said your mother left before the Dunn Roll was made up?

A Yes sir.

Q What different names was she known by? A Betty Lewis.

Q Is that all? A Yes sir, her maiden name was Lewis.

Q ~~And the only roll upon which you expect to find her name would be the Dunn Roll?~~ And the only roll upon which you expect to find her name would be the Dunn Roll? A Yes sir.

The letter from the Secretary of the Interior dated September 5, 1905, is made a part of the record in this case.

Lone Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said sense on said date.

Lone Merrick

Subscribed and sworn to before me this 9th day of June, 1906.

H. Harris

Notary Public.

Cr. No. 1035,

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
W.T. Petty, as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on September 8, 1906, W. T. Petty addressed a communication to the Secretary of the Interior asking to be permitted to make application for enrollment as a citizen of the Creek Nation; that on September 18, 1906, said communication was referred to the Commissioner to the Five Civilized Tribes for consideration and appropriate action, and was received by him September 21, 1906. The said communication is herein considered an original application in order that the rights of said W.T. Petty may be protected.

The record further shows that on June 7, 1906, W.T. Petty appeared before the Commissioner and gave testimony in the matter of an application for enrollment as a citizen of said Nation and elected to be enrolled as a Creek Freedman.

The evidence shows that said W. T. Petty claimed his right to enrollment through Ellen Petty, nee Lewis, his mother, who he testified belonged to the Creek Nation before the preparation of the roll of Creek Freedmen by J.W. Dunn under authority of the United States prior to March 14, 1867.

It does not appear from the evidence or the records in the possession of the Commissioner that said W. T. Petty or said Ellen Petty, nee Lewis, or either of them, is identified upon the said roll of Creek Freedmen prepared by J.W. Dunn as aforesaid.

It does not appear from the evidence or the records in the possession of the Commissioner that the name of said W.T. Petty is listed upon any of the authenticated tribal rolls of the Creek Nation, or that he was ever admitted to citizenship by the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said W.T. Petty, as a Creek Freedman, and his application for enrollment as such is accordingly denied.

COMMISSIONER.

Muskogee, Indian Territory,

JAN 29 1907

788H

COPIES IN REPLY TO THE FOLLOWING:

Cr. No. 1035.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 31, 1907.

W.T. Petty,

General Delivery,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,



Commissioner.

Register.
Lg-72.

Cr.Em.1035.

Muskogee, Indian Territory, January 31, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of W. T. Petty, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM- 73.

Cr.En.1038.

Muskogee, Indian Territory, January 31, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of W.T.Petty, as a Creek Freedman, including the decision of the Commissioner, dated January 29, 1907, denying said application.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

LM- 74.

Land.
11091-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes dated January 31, 1907, enclosing the record in the matter of the application for the enrollment of W. T. Petty, as a Creek Freedman, including the decision of the Commissioner dated January 29, 1906, denying the application.

The record shows that on September 5, 1905, W. T. Petty, the applicant, addressed a letter to the Secretary of the Interior in which he asked to be permitted to make an application for enrollment as a citizen of the Creek Nation: that this letter was referred to the Commission on September 18, 1905, for appropriate action, and that in order to protect any rights the applicant might have it was considered as an original application by the Commissioner to the Five Civilized Tribes.

The applicant appeared and gave testimony in support of case on June 7, 1906, and at the same time elected to be enrolled as a Creek freedman. He bases his right to enrollment through his mother, Ellen Petty, nee Lewis, who left the Creek Nation before the preparation of the roll of Creek Freedmen by J. W. Dunn, under the authority of the United States prior to March 14, 1867. Neither the name of the applicant nor that of his mother, Ellen Petty, nee Lewis, is found on the Dunn roll of Creek freedmen. It does not appear that the name of W. T. Petty is listed on any of the authenticated tribal rolls of the Creek Nation, or that he has ever been admitted to citizenship by the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory.

The Commissioner held that there was no authority of law for the enrollment of W. T. Petty as a Creek freedman. The Office is of the same opinion and therefore recommends that the Commissioner's decision be affirmed.

Very Respectfully,

C. F. Larrabee,
Acting Commissioner.

EWE.

JP.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JHE

February 27, 1907.

I.T.D. 4222, 4252, 4322, 4372-1907
4462, 4472, 4482, 4492-
4694, 4734-

SRS.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship
cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
W.E. Petty, (Freedman)	January 31, 1907.
Patey Durant Grayson, (Freedman)	January 28, 1907.
Mary Jane Hinton,	October 17, 1906.
Joanna Add (or Add), (Freedman)	October 26, 1906.
Barney and Linnie McGey,	January 26, 1907.
Eldora Bruner, (Freedman)	January 26, 1907.
Kimichia Walker, (Freedman)	January 31, 1907.
Honey Porter,	January 26, 1907.
Lida McGulla,	January 26, 1907.
Lucindy Grayson, (Freedman)	January 26, 1907.

Copies of Indian Office letters submitting your reports
and recommending that the decisions be affirmed are inclosed.

A copy hereof and all the papers in the above mentioned
cases have been sent to the Indian Office.
10 inc. and 21 for Respectfully, Jesse W. Wilson,
Indian Of. A.P. No. 2-22-07. Assistant Secretary.

Cr. En. 1038.

Muskogee, Indian Territory, March 6, 1907.

W. T. Petty,

General Delivery,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of February 27, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying your alleged application for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1036

CR EN 1036

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JUNE 8, 1906.

In the matter of the ^{alleged} application for the enrollment of Jimmie Conner et al. as Creek Freedman.

Appearances: Donovan & Griessel, attorneys for applicant.

Jimmie Conner, being duly sworn, testified as follows:

Q What is your name? A Jimmie Conner.

Q What is your age? A I don't know exactly how old I am, guess somewhere along about 50.

Q You think you are more than 50 or less? A I don't know sir.

Q What is your post office address? A Muskogee.

Q Are you a citizen of the Creek Nation? A Of course I am living here I am what you call a citizen by blood.

Q Have you been enrolled as a citizen or a Creek Freedman?

A No sir.

Q Did you ever make application to the Commission to the Five Civilized Tribes or to the Commissioner to be enrolled as a Creek Freedman of the Creek Nation? A Yes, yes sir, I came here about two year and a half ago.

Q Came where? A I came in that room there, (indicating a room down the hall.)

Q In this building? A Yes sir, but I didn't come in here.

Q Did you come in here for the purpose of making application?

A Yes sir.

Q What did you do? A When I came in--I went to that room (indicating a room to the west end of the building in the southwest corner on the second floor---)

Q What did you do when you went in there? A I spoke to a man sitting there--he's tolerably tall man and gray mustache---

Q What did he tell you? A I said ----I told him to receive my application for me and my children.

Q What did he tell you? A He asked me my name and I told him, he asked me who I was, and I said to him "My name is Jimmie Conner" He told me I was too late.

Q Told you you were too late? A Yes sir.

Q How long ago has that been? A About three and a half year ago.

Q Was that in 1901 or 1902? A I couldn't say, I just took it as being about three years ago.

Q Is that the only time for you appeared before the Commission to try to make application? A Yes sir, I came back again, I came back six months after that.

Q What did he tell you then? A He told me I would have to get an attorney and see what he could do for me.

Q Did they tell you anything else? A No sir.

Q Did anyone come up here with you the first time? A No sir.

Q The second time? A No sir, I came up here by myself.

Q You are sure no one came up here the first time or the second time with you? A No sir, only the last time.

Q Did you come the third time? A Yes sir, when I got the letter to the Secretary I wrote to him.

Q You wrote a letter to the Secretary? A I didn't write it a fellow by the name of A.H. Ward wrote it for me.

Q Does he live here in town? A Yes sir.

Q Living here now? A Yes sir.

Q He wrote for you a letter to the Secretary in regard to your alleged rights as a citizen of the Creek Nation? A Yes sir, he written back, and said ---"I received your letter and was glad",

that was the way he started, and I notified you --- I had the letter written---I notified you and also the Dawes Commissioners to the Five Civilized Tribes for reaction and consideration in my case.

Q Have you a copy of that letter with you? A No sir, I gave it to Mr. Campbell, here in town.

Q Mr. Campbell the attorney? A Yes sir, he read the letter----

Q Do you know whether he presented that letter here? A I don't know whether he did or not.

Q What was the date of that letter from the Secretary? A I couldn't tell you that.

Q When did you receive it? A About two years ago, maybe little longer than that.

Q Maybe little longer than two years ago? A Yes sir.

Q Did you ever receive a letter from the Commission? A No sir, never did.

Q Never received a letter from the Commission? A Yes sir, I brought that letter up here once, and they told me I had to get an attorney.

Q Well did you? A Yes sir.

Q When did you bring it up here? A Brought it up here about two days after I got it.

Q What did they tell you? A They said that they were busy and I would have to get an attorney to see after my case. I have been trying to get straight and I have never got nothing done.

By Mr. Donovan.

Q How long since you went to Mr. Campbell about this letter?

A As near as I can remember about a month before election.

Q You had the letter from the Secretary all that time? A Yes sir.

Q And you gave it to Mr. Campbell? A Yes sir, and he read it.

Q The Mr. Campbell you refer to is now the City Recorder?

A Yes sir.

Q What did you say in your letter to the Department--to the Secretary? A I stated to him this--that I had been before the Dawes Commission and I hadn't got----- and didn't get any rights -- I just stated that to him. And I said if there was any chance for me to get on the rolls, and I just stated that my daddy was called sometimes Tommy or Tom Aaron---

Q Are you sure that was in the letter? A That is what I said in the letter. Ward written the letter.

Q Can you read? A No sir.

Q You don't know what was in the letter then? A No sir, he just told me what he had written.

Q What was the names of the two children you attempted to make application for when you come in here? A Esseline---

Q How old is she? A About two years old, maybe little older.

Q What is the name of the next child? A Rebecca.

Q How old is she? A 18 years old, going on 19.

Q When will she be 19? A She will be 19 on the 15th of this month.

Q What is the name of the next child? A Georgie.

Q How old is Georgie? A Going on 17.

Q Is she 17 now or will she be 17? A They are two children that were both born in this month. Rebecca was born on the 15th and Georgie was born on the 21st.

- Q How much difference between Rebecca and Georgie? A About a year.
Q You state that Rebecca will be 19 this month? A yes sir.
Q How old will Georgie be this month? A 18 the 21st.
Q What is the name of the next child? A Mattie.
Q How old is she? A 14.
Q And you attempted to make application for these children at the same time you came in here to apply for yourself? A Yes sir.

By Commissioner: On behalf of the Commissioner it does not appear from an examination of the records of this office that a letter of the dates May 21, 1904, or May 21, 1905, or for several dates immediately preceding and following said dates, has been been filed with this office, neither does it appear from an examination of said records that any application has been made for the enrollment of Jimmie Conner or members of his family for enrollment as Creek Freedmen.

By Mr. Donovan. We ask that the case be continued for thirty days in order that we may procure additional evidence in the nature of a document relating to the application for his enrollment. We desire to communicate with the Department for the purpose of securing copies of Department's letter to Jimmie Conner and of any letter that may have been written relative to this case to the Commission to the Five Civilized Tribes.

Lona Merriek, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merriek

Subscribed and sworn to before me this 9th day of June, 1906.

H. H. Hains

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jimmie Conner for enrollment of himself and his minor children, Rebecca Conner, Georgie Conner, Mattie Conner and Eueline Conner as Creek freedmen.

D E C I S I O N

The record in this case shows that on June 8, 1903, Jimmie Conner appeared before the Commissioner and testified in the matter of an application alleged to have been made for the enrollment of himself and his minor children, Rebecca Conner, Georgie Conner, Mattie Conner and Eueline Conner as Creek freedmen, at which time he made certain statements to the effect that he had theretofore addressed a communication to the Secretary of the Interior with reference to the rights of himself and children to be enrolled as Creek freedmen. Affidavits with reference to this cause were filed June 18, 1903.

The records of this office show that on May 17, 1904, Jimmie Conner addressed a communication to the Secretary of the Interior, which on May 31, 1904 was referred to the Commission to the Five Civilized Tribes for consideration and appropriate action, and was received by said Commission June 6, 1904. Said communication is with reference to his right to enrollment, and the same is herein considered an original application for the enrollment of himself and his said children above named as Creek freedmen, under the provisions of the Act of Congress approved March 1, 1901 (31 Stat. L. 861), in order that the rights of said applicants may be protected.

The evidence shows that on June 8, 1903, said Jimmie Conner was fifty years of age, and that said Rebecca Conner, Georgie Conner, Mattie Conner and Eueline Conner are his children.

The evidence and the records of this office fail to show that the name of said Jimmie Conner and his said children, for whom the application is made herein, or any of them, appear upon the 1890 authenticated tribal roll or the 1898 pay roll of the Creek Nation, or that the said Jimmie Conner and his said children, or any of them, were ever admitted to citizenship in the

Greek Nation by any of the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory on appeal.

The evidence and the records of this office fail to show that the name of said Jimmie Genner appears upon the roll of Creek freedmen prepared by J. W. Dunn, prior to March 14, 1867, under authority of the United States, although he, the said Jimmie Genner, was then living and about 16 years of age.

It is, therefore, ordered and adjudged that said Jimmie Genner, Rebecca Genner, Georgie Genner, Mattie Genner and Emeline Genner are not entitled to be enrolled as Creek freedmen under the provisions of the Act of Congress approved March 1, 1901 (31 Stat. L., 861), and the application for their enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 11 1907

COPY.

Muskogee, Ind. Ter.
May 17th. 1904.

Hon. Hitchcock

Washington, D. C.

Dear Sir:

I has maid several attmeps Here with the Daves
Commision Business has been of such that I could not Get Before
them and Beaing a Poor Man and Lawyers charges was \$2.50.00 I
thought it best to Lay my claim Before you. I came with the
Indians from Missiasippi in 1836. My mother or Decendant
was of the Family of Conway. Her name was Tanner Conway.
My father name was Aaron Corner. I am intitle by blood to all
rights and Privilage an other native my father was not a slave
But was a Cherokee Indian. My Grand Mother on Mather side
was named Bulah Warful. I also inclose some witnesses who was
Personally Known to my Decendant. Hoping this will meet
your Approval I am

James Connor.

P.S. I have four children two under age.
Tobe McIntosh.
John Barnwell.

(ENDORSEMENTS)

Department of the Interior,
May 31, 1904.
Respectfully referred to the Commission
to the Five Civilized Tribes for consideration
and appropriate Action.

LRS.

Thos. Ryan,
Acting Secretary.

Department of the Interior,
Received
May 21, 1904.
No. 4151
Indian Territory Division.

18310

Office of

James Connor

16193

Indian Affairs - 1904

Rec. May 31,

May 17-04.

Ret. to his rights as a
Cherokee Ind.

36193 Office of 1904
 Indian Affairs

Rec. May 31

James Connor

Muskogee

I Ty

Rel to his rights as a
Cherokee Ind.

Commissioner to the Five
~~Civilized~~ Tribes

No.
18310
1904

Received
June 6, 1904

RECEIVED
JUN 11 1904

Department of the
Interior,

May 31, 1904.

Respectfully referred
to the Commissioner to
the Five Civilized Tribes
for consideration and
appropriate action.

(Signed) Thom. Ryan

Acting Secretary

LRS

Department of the Interior

Received

May 21, 1904

No. 4151

Indian Territory Division

(C O P Y)

Muskogee, Ind Ter

May 17th 1904

Hon Hitchcock

Washington D C.

Dear Sir

I has maid several attempes here with the Dawes
Commision busness has been of such that I could not get before
them and beeing a poor man and lawyers charges was \$2.5000 I
thought it best to lay my claim before you I came with the
Indians from Missipi in 1836 My mother or decendant was of the
familys of Conway Her name was Tanner Conway My father name
was Aaron Corner I am intitle by blood to all rights and
privillage an other native My father was not a slave but was a
Cherokee Indian My grand mother on mother side was named Bulah
Warful I also inclose some witnesses who was personally known
to my decendant Hoping this will meet yours approval I am

(Signed) James Connor

P.S. I have four children two under age

Tobe McIntosh

John B. Armuell

Department of the Interior,

ITD 4151-1904. OFFICE OF THE SECRETARY,

H.B.

Washington, May 31,

1904.

Sir:-

I acknowledge the receipt of your letter of the 17th instant, to this Department, relative to your rights as a descendant of a Cherokee,

and inform you that the same has been referred to the Commission to the Five Civilized Tribes, Muskogee, Indian Territory, for consideration and action.

Very respectfully,

Edward M. Dawson
Chief Clerk.

Mr. James Connor,

Muskogee, Indian Territory.

Alaron Corman
Cherokee by blood

18310-1904

wish to see letter of
which this is answer

Muskogee, Indian Territory, June 11th, '06
Hon Secretary of the Interior,
Washington, D.C.

My dear sir:

I have made several efforts to be enrolled as a freed-man of the Creek nation, first four years ago and twice since that time. For some reason my case has never been opened and I have been thereby deprived of pleading my just cause for citizenship. I feel that if I could have my case opened I would be able to prove my rights for allotment beyond a doubt. I am the son of one Tom Connor whose name appears upon the rolls of the Dawes Commission and who shared in the distribution of the payments made to the citizens of the Creek Nation. I can prove by a number of witnesses that I am the lawful son of the said Tom Connor. I can prove too that I have made application several times to be enrolled as a member of the Creek tribe.

I was taken to Texas at the close of the Civil War by a Posey and it was some years before I was able to return to the territory. I therefore pray that you direct the Dawes Commission to open my case and thereby allow me to plead the justice of my cause. I feel there is no doubt but that I can prove my claim to enrollment in the Creek tribe if my case is allowed to be opened.

I enclose herewith three affidavits from citizens of the Indian Territory all of whom were personally acquainted with my father.

Thanking you in advance for a prompt reply, I am

Yours very truly
James Connor

United States of America
Indian Territory
Western District

AFFIDAVIT.

Lewis Pulson, after having been duly sworn, deposes and says that he was personally acquainted with one Tom Connor from the close of the Civil War till the time of his death, about 1882. He further states that one Jimmie Connor was the lawful son of said Tom Connor. He states that till the time of said Tom Connor's death he shared in the payments made to the citizens of the Creek Nation and that his name appears upon the rolls of the Dawes Commission.

Witness my hand and seal this the 11th day of June 1906

his
Lewis E Pulson
mark

Sworn to before me this the 11th day of June 1906

Owen A Wood
Notary Public

My commission expires June 29, 1908

United States of America

Indian Territory

Western District

AFFIDAVIT.

Tally Lewis, after having been duly sworn, deposes and says he is a citizen of the Creek Nation. That he has lived within the Creek Nation of the Indian Territory all of his life. He further states that he was personally acquainted with one Tom Connor practically all his life, having lived in the same vicinity with him for a number of years. He states that one said Jimmie Connor is the lawful son of the said Tom Connor. He states that the said Tom Connor did, up to the time of his death, about 1882, share in the payments made to the citizens of the Creek Nation of the Indian Territory, and was recognized as a citizen by those who knew him. He states that the said Tom Connor belonged as a slave to an Indian named Charty. He states that the said Jimmie Connor is now living.

Witness my hand and seal this the 11th day of June 1906
his
Tally X Lewis
mark

Sworn to before me this the 11th day of June 1906

Owen A Wood
Notary public

My commission expires June 29 1908

Seal

United States of America

Indian Territory

Western District

AFFIDAVIT

Abe Prince after having been duly sworn, deposes and says that he was personally acquainted with one Tom Connor and that said Tom Connor was the lawful father of one Jimmie Connor. He further states that the said Tom Connor was a slave of a Creek Indian named Charty and that his name appears upon the rolls of the Dawes Commission. He further states that the said Tom Connor died about one year previous to the Green Peach War and that previous to his death, the said Tom Connor, shared in the payments of the citizens of the Creek Nation.

Witness my hand and seal this the 11th day of June 1906 A D

his
Abe X Prince
mark

Sworn to before me this the 11th day of June 1906

Owen A Wood
Notary Public

My commission expires June 29 1908

Muskogee, Ind.Ter.June 30th, 1906.

Hon. B.M. Davison,

Kind Sir:

of my rights to land
About the 10th I write you full statement as a Creek
Freedman. Also sent affidavits to same and up to the present
time have had no word nor papers have not been returned. papers
I sent were my witnesses also about two years ago a little longer
I received a letter from the Secretary telling me the Commis-
sion would be notified for action in my case and never receive
a notice as yet. What can you do for me. I have tried every
way to find out something and always put off until hear from the
Secretary. Seems in two years I ought to have please give me a
~~little~~ letter of some information concerning my affairs in hand.

Respectfully yours,

J.C.Conner,

Muskogee, Ind.Ter.

723 Georgetown Avenue, In care of

J.H. Klick.

No. 1836.

Muskogee, Indian Territory, January 7, 1902.

Jimmie Gannor,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that you will be allowed ten days from this date within which to appear at this office with such witnesses as you may wish to introduce in the matter of your alleged application for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Jan 17 - 1911

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Muskogee, I.T. Jan 16/07.

To the Commissioner of the five civilized tribes.

I hereby appoint Beaver & Halfhill, my Attorneys, to appear for me before said Commission, and I hereby revoke any and all other power or powers of Attorney heretofore given by me.

James L. Lenoir

Cr.M. 1034.

Muskogee, Indian Territory, February 14, 1907.

H. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Jimmie Connor et al., as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-19.

Cr. No. 1038.

Muskogee, Indian Territory, February 14, 1907.

Donovan & Griesel,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Jimmie Conner et al., as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-51.

Cr.Mn.1036.

Muskogee, Indian Territory, February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Jimmie Canner, et al., as Creek Freedmen, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-20.

Through the Commissioner
of Indian Affairs.

Cr.M.1036.

Muskogee, Indian Territory, February 14, 1907.

Jimmie Conner,
General Delivery,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor children, Rebecca, Georgie, Mattie and Emeline Conner, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-18.

Refer in reply to the following:
Land 16584-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the applications for the enrollment of Jimmie Conner, Rebecca Conner, Georgie Conner, Mattie Conner and Emeline Conner as Creek freedmen, including the decision of Commissioner Bixby dated February 11, 1907, adverse to the applicants.

The decision of Commissioner Bixby has been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. Lefebvre,

Acting Commissioner.

HEM.Ph..

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
O.K.

LRS I.T.D.

March 2, 1907.

5796, 5796, 6244, 6274-1907.
6254, 6464, 6804, 6810-1907.
6826, 6868, 6870, 6876-1907.
6878, 6898, 6702, 6706-1907.
6712, 6720, 6766, 6770-1907.
6812-1907.

D. 12640-07.
DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your Letter of Transmittal.
Minnie Atkins,	February 9, 1907.
Willie Nash (Freedman)	February 11, 1907.
James Anderson et al.	February 12, 1907.
Wallace Smith (deceased)	February 19, 1907.
Jakie Atkins (Freedman)	February 16, 1907.
Easter Scott, et al. (Freedmen),	February 9, 1907.
Mary Elizabeth Ellis,	February 9, 1907.
Charles Hawkins et al. (Freedmen)	February 13, 1907.
Jimmie Conner et al. (Freedmen)	February 14, 1907.
John Leachor (deceased),	February 14, 1907.
Olive Grant and Boba Coker,	February 16, 1907.
Gennetta Peters (Freedman),	February 16, 1907.
John Guy (deceased) (Freedman)	February 14, 1907.
Martha Porter (deceased),	February 14, 1907.
George Wolf (Freedman),	February 14, 1907.
Mattie Bird, deceased,	February 19, 1907.
Jennie Lewis (Freedman)	February 15, 1907.
Mary McNary	February 14, 1907.
Alonza Franklin (Freedman)	February 14, 1907.
Gracie Johnson (Freedman)	February 16, 1907.
Katie Jamison, deceased (Freedman),	February 14, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

21 inc. and 42 inc.
to Indian Office.

WUP 3/3/07.

Cr.En. 1036.

Muskogee, Indian Territory, March 14, 1907

Jimmie Connor,

General Delivery, Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the alleged application for the enrollment of Jimmie Connor and his minor children Rebecca, Georgia, Mattie and Eueline Connor as Creek freedmen.

Respectfully,

Commissioner.

CR EN 1037

CR EN 1037

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory,
April 13, 1905.

In the matter of the application for the enrollment of
Unus Riley as a citizen by blood of the Creek Nation.

WILLIAM RILEY, being first duly sworn, testified as
follows:

EXAMINATION BY THE COMMISSION, through Lona Merrick, official
interpreter.

- Q What is your name? A William Riley.
Q How old are you? A 32.
Q What is your postoffice address? Dustin, Indian Territory.
Q Of what nation are you a citizen? A Seminole Nation, Thomas
Palmer Band.

BY THE COMMISSION:

The records of the Commission show that the witness,
William Riley, is regularly enrolled on Seminole Indian
Card, Field Number 578, approved Roll No. 1819.

- Q You wish to make application for the enrollment of your son,
Unus Riley, as a citizen by blood of the Creek Nation? A Yes.
Q Have you the child with you? A Yes sir. (Child present and
appears to be about four years old).
Q How old is this child? A Little over four years old.
Q When was it born? A April 10, 1901.
Q Where was the child born? A At home where we are living now,
near Dustin.
Q In the Creek Nation. A Yes sir.
Q Are you the father of Unus Riley? A Yes sir.
Q Who is the mother of Unus Riley? A Annie Riley, but she is
dead.
Q Was Annie Riley your wife? A Yes sir.
Q Were you lawfully married to her? A We lived together under
the Creek custom. We had witnesses.
Q You say Annie Riley is dead? A Yes sir.
Q When did she die? A December 30, 1904.
Q Of what nation was she a citizen? A She was a citizen of
the Creek Nation.
Q Was she the mother of Unus Riley? A Yes sir.

BY THE COMMISSION:

The records of the Commission examined and it appears that Annie Riley, mother of the minor applicant herein, is regularly enrolled on Creek Indian Card, Field Number 1433, approved Roll No. 4547.

- Q Have you a child by Annie Riley enrolled as a citizen by blood of the Creek Nation? A Yes sir.
Q What is that child's name? A Amosa Riley.
Q Is that child living? A Yes sir.

BY THE COMMISSION:

The records of the Commission show that Amosee Riley, son of the said William Riley and said Annie Riley, is regularly enrolled as a citizen by blood of the Creek Nation on Creek Indian Card, Field Number 1433, approved Roll No. 4548.

- Q Why did you not appear and have Unus Riley enrolled as a citizen of the Creek Nation. A The Commission sent a party out to enroll the children, and I heard that this boy's name was given in, and I supposed he was enrolled.
Q Did you think that Unus was enrolled as a Creek citizen prior to your coming here at this time? A Yes sir, but I found out later that he was not enrolled.
Q Did you understand that the Secretary of the Interior had set a date after which no application for enrollment of children should be made? A I did not know anything about it, and I believe that was the time that I heard Unus was enrolled.
Q Has it been your intention always to enroll this child as a citizen of the Creek Nation? A Yes sir.
Q Were you under the impression that the child had been enrolled and allotted land? A Yes sir.

BY THE COMMISSION:

An Act of Congress approved June 30, 1902 (Public 200), provides, among other things, as follows:

"All children who have not heretofore been listed for enrollment living May 25, 1901, born to citizens whose names appear upon the authenticated rolls of 1890 or upon the authenticated rolls of 1895 and entitled to enrollment as provided by the act of Congress approved March 1, 1901 (31 Stat.L., 861), shall be placed on the rolls made by said Commission. And if any such child has died since May 25, 1901, or may hereafter die before receiving his allotment of lands and distributive share of the funds of the tribe, the lands and moneys to which he would be entitled if living shall descend to his heirs as herein provided and be allotted and distributed to them accordingly."

BY THE COMMISSION:

On June 25, 1904, the Commission issued the following order:

"WHEREAS, on June 13, 1904, the Secretary of the Interior, under the authority in him vested by the provisions of the act of Congress approved March 3, 1901, (31 Stat., 1058) ordered that September 1, 1904, be and the same is hereby fixed as the time when the rolls of the Muskogee or Creek Nation shall be closed:

Notice is hereby given that the Commission to the Five Civilized Tribes will, at its office in Muskogee, Indian Territory, up to and inclusive of September 1, 1904, receive applications for the enrollment of citizens and freedmen of the Muskogee or Creek Nation, and that after that date the application of no person whomsoever for enrollment as a citizen or freedman of said nation will be received by the Commission."

An Act of Congress approved March 3, 1905 (H.R. 17474) provides, among other things, as follows:

"That the Commission to the Five Civilized Tribes is authorized for sixty days after the date of the approval of this act to receive and consider applications for enrollment of children born subsequent to May twenty-five, nineteen hundred and one, and prior to March fourth, nineteen hundred and five, and living on said latter date, to citizens of the Creek tribe of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act; and to enroll and make allotments to such children."

- Q Are you aware that your child would have been entitled to enrollment in either the Seminole or the Creek Nation?
A No, I do not know anything about that. I thought because he was a Creek he ought to be enrolled as a Creek.
Q You are a Seminole, are you not? A Yes sir.
Q Why do you think that your child is a Creek rather than a Seminole? A Its mother was a Creek citizen, and I thought the child would follow the mother.

BY THE COMMISSION:

The witness is advised that by an Act of Congress approved March 3, 1905 (H.R. 17474), the Commission is authorized to receive applications and enroll children born subsequent to May 25, 1901, and prior to March 4, 1905, and living on said latter date, to citizens of the Creek tribe whose enrollment has been approved by the Secretary of the Interior.

- Q Do you know about the notice given by the Commission in reference to this law? A Yes, I tried to enroll my child with the field party and they told me they would not enroll him, so I thought I would bring him to Muskogee.

- Q If the Commission and the Department refuse to enroll your child Unus as a citizen by blood of the Creek Nation, do you desire that he be enrolled as a citizen of the Seminole Nation?
- A Yes sir.
- Q Which nation do you prefer that he be enrolled in? A Creek Nation. If I can't get him in the Creek Nation, I want him in the Seminole.
- Q You live in the Creek Nation? A Yes sir.
- Q Have your wife and child allotments near where you live?
- A Yes sir.
- Q You are a fullblood Indian, are you? A Yes sir.
- Q You don't understand the English language? A No sir.
- Q You can't read English? A No sir.
- Q Who was present at the time this child Unus was born.
- A Louisa Riley.
- Q What relation is she to you? A She is my mother.

LOUISA RILEY, being duly sworn on oath, testifies as follows:

BY THE COMMISSION, through Lona Merrick, official interpreter:

- Q What is your name? A Louisa Riley.
- Q How old are you? A Don't know.
- Q About how old? A I may be over 40, I don't know. (She looks like she might be 55).
- Q Are you the mother of William Riley? A Yes sir.
- Q Is Unus Riley your grandson? A Yes sir.
- Q Were you present when Unus Riley was born? A Yes sir.
- Q About when was he born, if you know? A April 10, 1901.
- Q Who was the mother of Unus Riley? A Annie Riley.
- Q Is William Riley the father of Unus Riley? A Yes sir.
- Q Where was Unus Riley born? A Born in the Creek Nation.
- Q What nation did Annie Riley belong to? A She was a citizen by blood of the Creek Nation, Ketchapataka town.

BY THE COMMISSION:

The records of the Commission examined and it appears that Annie Riley is identified on Ketchapataka Pay-Roll of 1895, and the authenticated 1890 Creek Roll, page 133.

- Q Unus Riley is now living is he? A Yes sir.
- Q His father has him with him before the Commission today, has he?
- A Yes sir.
- Q Are you a Seminole or Creek? A Seminole.
- Q You are a fullblood Indian, are you? A Yes sir.
- Q You live in the Creek Nation with your son, William Riley?
- A Yes sir.
- Q This little boy, Unus, has always lived in the Creek Nation, has he? A Yes sir.

Demie T. Stubblefield, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony in this case, and that the foregoing is a true and complete transcript of her stenographic notes therein.

Demie T. Stubblefield:

Subscribed and sworn to before me this 13th day of April, 1905.

Edward Merriam
Notary Public.

C?

✓

n B e
494

20

IN RE 1901'

Application for Enrollment of
INFANT CHILD

Myuna Riley

as a citizen of

Creek

Nation

Approved

190

Commissioner.

N.E.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE DISTRICT OF ARIZONA
FILED

APR 20 1905

[Signature]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,

of Yunas Riley, born on the 10 day of April, 1901
(Here insert name of child.)

Name of Father: William Riley a citizen of the Creek Nation.

Name of Mother: Annie (d) a citizen of the Creek Nation.
(Hillabee)

Postoffice Dustin

AFFIDAVIT OF MOTHER, Father

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, William Riley, on oath state that I am 32

years of age and a citizen by blood of the Creek Nation;

that I am the lawful wife of Annie Riley, who is a citizen, by

blood of the Creek Nation; that a male child was
(Male or Female)

born to me on 10 day of April, 1901; that said child has been named

Yuna Riley, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 13 day of April, 1905

Seal

Edwards
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, _____, on oath state that I

attended on Mrs. _____ wife of _____

on the _____ day of _____, 19____; that there was born to her on said date a _____
(Male or Female)

child; that said child is now living and is said to have been named _____

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 19____

Notary Public.

1901

IN RE

Application for Enrollment of
INFANT CHILDChase Riley
as a citizen of

Creek

Nation

Approved

190

Commissioner.

Mother on Creek Card #1433.
Roll Number #4547.
Father on Creek Card #578
Roll Number #1819.

APR 13 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CREEK Nation,

of Unus Riley, born on the 10 day of April, 1901
(Here insert name of child.)

Name of Father: Wm Riley a citizen of the Seemah Nation.

Name of Mother: Annie (d) a citizen of the Creek Nation.
(Ketch. town)

Postoffice Dustin

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY,
WESTERN DISTRICT.

I, Wm Riley, on oath state that I am 32
years of age and a citizen by Blood of the Creek Nation;

that I am the lawful wife of William Riley (d) who is a citizen, by

Blood of the Creek Nation; that a male child was
(Male or Female.)

born to me on 10 day of April, 1901; that said child has been named

Unus Riley, and is now living. William X Riley
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) { Henry L. Hains
Alex Ross

Subscribed and sworn to before me this 12 day of April, 1905.

My Com. expires April 11, 1909.

Zora Parrish
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
WESTERN DISTRICT.

I, Louise Riley, a midwife, on oath state that I

attended on Mrs. Annie Riley, wife of William Riley

on the 10th day of April, 1901; that there was born to her on said date a male
(Male or Female.)

child; that said child is now living and is said to have been named Unus Riley

WITNESSES TO MARK:

(Must be Two Witnesses.) { W. H. Campbell
E. L. Morris

Subscribed and sworn to before me this 13th day of April, 1905.

Edward Morris
Notary Public.

(child present.)

IN RE 1161

THE DEATH OF

Annie Riley

a citizen of the

State

Nation.

Approved 190

Commissioner.

MAR 25 1905

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Amie Riley
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Austin (Here insert name of postoffice.), Ind. Ter., and died on the 30 day of
December, 1904.

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Marion DISTRICT. }

I, William Riley, on oath state that I am about 32
years of age and a citizen, by head of the Seminole Nation;
that my postoffice address is Austin (Here insert name of postoffice.), Ind. Ter.; that I am
husband of Amie Riley (Here insert name of deceased.)
(State relationship as: the father, mother, a cousin, etc.)
who was a citizen, by head of the Creek Nation;
and that said Amie Riley (Here insert name of deceased.) died on the 30 day of
December, 1904.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 29 day of March, 1905.

Drennan C. Shaggs
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Marion DISTRICT. }

I, Louisa Riley, on oath state that I am over 40
years of age, and a citizen by head of the Seminole Nation;
that my postoffice address is Austin (Here insert name of postoffice.), Ind. Ter.;
that I was personally acquainted with Amie Riley (Here insert name of deceased.)
who was a citizen, by head of the Creek Nation;
and that said Amie Riley (Here insert name of deceased.) died on the 30 day of
December, 1904.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 22 day of March, 1905.

Drennan C. Shaggs
Notary Public.

N.B.C. 504.
Creek En. 1037.

E.M.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Unus Riley as a citizen by blood of the Creek Nation.

D E C I S I O N.

It appears from the record herein that on April 13, 1905, there was filed with the Commission to the Five Civilized Tribes an application, in affidavit form, for the enrollment of Unus Riley as a citizen by blood of the Creek Nation. Testimony was taken in the case on said date. April 20, 1905, supplemental affidavits in the matter of the birth of said applicant were filed in this office.

The evidence shows that said Unus Riley is the minor child of Annie Riley, now deceased, a recognized and enrolled citizen by blood of the Creek Nation whose name appears opposite number 4547 upon the final roll of citizens by blood of said nation, approved by the Secretary of the Interior on March 13, 1902, and William Riley, a recognized and enrolled citizen by blood of the Seminole Nation whose name appears opposite number 1819 upon the final roll of citizens by blood of the Seminole Nation, approved by the Secretary of the Interior April 2, 1901.

The evidence further shows that said applicant was born April 10, 1901, and was living on the date of the last proceedings herein.

It appears from an affidavit filed in this office March 25, 1905, that Annie Riley, the mother of said Unus Riley, died December 30, 1904.

It also appears that on April 13, 1905, William Riley, the father of the applicant herein, appeared in person before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and elected that said applicant be enrolled as a citizen of the Creek Nation.

It is, therefore, ordered and adjudged that said Unus Riley is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the Act of Congress approved June 30, 1902 (32 Stats., 500), and the application for his enrollment as such is accordingly granted.

COMMISSIONER.

Muskogee, Indian Territory,

JAN 8 1907

Father I 5612

217

IN RE

1198

Application for Enrollment of
INFANT CHILD

Martha Riley

as a citizen of

Creek

Nation.

Approved

SEP 1 1905

190

Commissioner.

COPY

MAR 25 1905

NEW BORN

Creek # 494

NBC

494

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Martha Riley, born on the 8 day of November, 1904
(Here insert name of child)
Name of Father: William Riley, a citizen of the Seminole Nation.
Name of Mother: Annie Riley, a citizen of the Creek Nation.
Residence: Dustin, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, William Riley, on oath state that I am about 32
years of age and a citizen by blood, of the Seminole Nation;
that I am the lawful wife of Annie Riley, who is a citizen, by
blood, of the Creek Nation; that a female child was
(Male or Female.)
born to me on 8 day of November, 1904, that said child has been named
Martha Riley, and was living March 4, 1905. That the mother
of the child is now dead. William Riley
WITNESSES TO MAKE:

(Must be Two Witnesses.) { _____

Subscribed and sworn to before me this 22 day of March, 1905.
Dennis L. Shaffer
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Louisa Riley, a midwife, on oath state that I
attended on Mrs. Annie Riley, wife of William Riley,
on the 8 day of November, 1904, that there was born to her on said date a
(Male or Female.)
child; that said child was living March 4, 1905, and is said to have been named Martha Riley
Louisa Riley
mark.

(Must be Two Witnesses.) { Ally Cory
D. Shaffer

Subscribed and sworn to before me this 22 day of March, 1905.
Dennis L. Shaffer
Notary Public.

NC-494.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Unus Riley as a citizen by blood of the Creek Nation.

--: D E C I S I O N :--

It appears from the record herein that on April 13, 1905 there was filed with the Commission to the Five Civilized Tribes an application for the enrollment of Unus Riley as a citizen by blood of the Creek Nation.

It further appears from the record herein and the records of this office that the applicant was born April 10, 1901 and is a son of Annie Riley, a recognized and enrolled citizen by blood of the Creek Nation whose name appears opposite number 4547 upon the final roll of citizens by blood of said nation, approved by the Secretary of the Interior on March 13, 1902, and William Riley, a recognized and enrolled citizen by blood of the Seminole Nation whose name appears opposite number 1819 upon the final roll of citizens by blood of the Seminole Nation, approved by the Secretary of the Interior April 2, 1901.

The Act of Congress approved March 3, 1905 (Public No. 212) among other things provides:

"That the Commission to the Five Civilized Tribes is authorized for sixty days after the date of the approval of this act to receive and consider applications for enrollment of children born subsequent to May twenty-five, nineteen hundred and one, and prior to March fourth, nineteen hundred and five, and living on said latter date, to citizens of the Creek tribe of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act; and to enroll and make allotments to such children.", and

"That the Commission to the Five Civilized Tribes is authorized for ninety days after the date of the approval of this act to receive and consider applications for enrollment of infant children born prior to March fourth, nineteen hundred and five, and living on said latter date, to citizens of the Seminole tribe whose enrollment has been approved by the Secretary of the Interior; and to enroll and make allotments to such

2.

children, giving to each an equal number of acres of land, and such children shall also share equally with other citizens of the Seminole tribe in the distribution of all other tribal property and funds."

It further appears from the record herein that on April 13, 1905 William Riley, the father of the applicant herein, appeared in person before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and elected for his minor son Unus Riley, the applicant herein, to be finally enrolled as a citizen by blood of the Creek Nation, provided he was entitled to such enrollment and answered, in response to the question "If the Commission and the Department refuse to enroll your child Unus as a citizen by blood of the Creek Nation, do you desire that he be enrolled as a citizen of the Seminole Nation?", "Yes, sir".

I am of the opinion that, inasmuch as the said Unus Riley was born prior to May 25, 1901, the Commission to the Five Civilized Tribes was without authority to receive or consider the application for his enrollment as a citizen by blood of the Creek Nation and that the application which was attempted to be made on April 13, 1905 for the enrollment of the said Unus Riley as a citizen by blood of the Creek Nation should be deemed and considered an application to the Commission to the Five Civilized Tribes for the enrollment of said child as a citizen by blood of the Seminole Nation.

I am further of the opinion that Unus Riley should be enrolled as a citizen by blood of the Seminole Nation, under the provision of law above quoted, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

SEP 28 1905

Muskogee, Indian Territory, July 11, 1908.

Commissioner to the Five Civilized Tribes,
Seminole Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

March 25, 1908, application was made to the Commission to the Five Civilized Tribes for the enrollment of Martha Riley, born November 8, 1904, and Umas Riley, born April 10, 1901, as citizens by blood of the Creek Nation. It is stated in said application that the father of said children is William Riley, a citizen of the Seminole Nation, and that the mother is Annie Riley, a citizen of the Creek Nation.

You are requested to inform the Creek Enrollment Division as to whether application has been made for the enrollment of said children as citizens of the Seminole Nation, and if so, what disposition has been made of the same.

Respectfully,

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Mankegee, Indian Territory July 19, 1905.

Chief Clerk

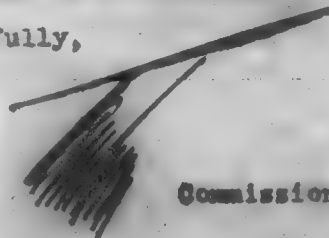
Creek Enrollment Division.

Dear Sir:

Receipt is acknowledged of your letter of July 14, 1905 stating that application was made to the Commission to the Five Civilized Tribes for the enrollment of Martha Riley, born November 8, 1904, and Unus Riley, born April 10, 1901, children of William Riley, a citizen of the Seminole Nation, and Annie Riley, a citizen of the Creek Nation, as citizens by blood of the Creek Nation and requesting to be informed as to whether application was made for the enrollment of said children as citizens of the Seminole Nation.

In reply to your letter you are advised that it does not appear from an examination of the records of this office that any application was made to the Commission to the Five Civilized Tribes for the enrollment of said Martha Riley and Unus Riley as citizens of the Seminole Nation.

Respectfully,



Commissioner.

N.C.494

Washoe, Indian Territory, September 29, 1908.

McKenna & Wilmet,
Attorneys for Seminole Nation,
Wewoka, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Unus Riley, as a citizen by blood of the Creek Nation, denying said application and enrolling him as a citizen by blood of the Seminole Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final action of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
AG-9-29-4

X.6.494

Muskogee, Indian Territory, September 29, 1908.

M. L. Holt,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Unus Riley, as a citizen by blood of the Creek Nation, denying said application and enrolling him as a citizen by blood of the Seminole Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final action of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register
AG-9-29-3

N.O.494

Muskogee, Indian Territory, September 29, 1906.

William Riley,

Dustin, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for enrollment of your minor child, Unus Riley, as a citizen by blood of the Creek Nation, denying said application and enrolling him as a citizen by blood of the Seminole Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final action of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register
AG-9-29-2

N.C.494

Muskogee, Indian Territory, September 29, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of the proceedings in the matter of the application for the enrollment of Unus Riley, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated September 28, 1908, denying said application and enrolling said Unus Riley as a citizen by blood of the Seminole Nation.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

AG-9-29-1

Refer in reply to the following:
Land: 78764-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 29, 1905, transmitting the record of the application filed April 13, 1905, for enrollment as a citizen by blood of the Creek Nation by Unus Riley.

September 28, 1905, the Commissioner decided adversely to the applicant as a citizen by blood of the Creek Nation and favorably to him as a citizen by blood of the Seminole Nation.

The record shows that the applicant was born April 10, 1901, and is a son of Annie Riley, a recognized and enrolled citizen by blood of the Creek Nation whose name appears at No. 4547 on the final roll of citizens by blood of the Creek Nation approved by the Department March 13, 1902, and William Riley a recognized and enrolled citizen by blood of the Seminole Nation, whose name appears opposite No. 1819 on the final roll of citizens by blood of the Seminole Nation approved by the Department April 2, 1901.

It is further shown that on April 13, 1905, William Riley, the father of the applicant, appeared before the Commissioner and elected that his minor son, the applicant herein, be enrolled as a citizen by blood of the Creek Nation provided he was entitled

and if not, that he be enrolled as a citizen of the Seminole Nation.

As this applicant was born prior to May 25, 1901, he is not under the provisions of the act of March 3, 1905 (33 Stats., 1048, 1071) entitled to enrollment as a citizen of the Creek Nation, but under said act, his father being a Seminole and enrolled as such, the applicant is entitled to enrollment as a Seminole as the act declares:

infant children born prior to March fourth, nineteen hundred and five and living on said latter date, to citizens of the Seminole tribe whose enrollment has been approved by the Secretary of the Interior,

shall be enrolled.

The approval of the Commissioner's decision is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

M.M.M. (W).

22200

GR.IRS.LIB.

I.T.D.13512-1905.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, May 29, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the provision of section 2 of the act of Congress approved April 26, 1906 (Public No. 129), providing for the enrollment of children who were minors living March 4, 1906, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek Tribe, or have applications pending at the approval hereof, there is transmitted for readjudication in accordance therewith, the record in the matter of the application of William Riley for the enrollment of his minor child, Unus Riley, as a citizen by blood of the Creek Nation.

Respectfully,

Jesse E. Wilson,
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

2 inclosures.

~~70-194~~

7. B. C. 504,

Muskogee, Indian Territory, June 15, 1906.

William Riley,

Dustin, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your minor child, Unus Riley, as a citizen by blood of the Creek Nation, you are advised that it is required that you furnish this office with the affidavit of yourself and the midwife in attendance at the birth of said child, said affidavit showing the name of the child, the names of its parents, the date of birth and whether or not said child was living on March 4, 1906. For this purpose there is enclosed herewith a blank affidavit.

This matter should receive your immediate attention.

Respectfully,

Commissioner.

1-BA.

En. 1037.

Muskogee, Indian Territory, January 9, 1907.

M. L. Mott,

Attorney for Creek Nation.

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Unus Riley, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Unus Riley will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Enc.-JCL.

Commissioner.

CR EN 1038

CR EN 1038

98

IN RE

THE DEATH OF

Rufus Holland

a citizen of the

Cherokee Nation.

Approved

1

Commissioner.

DEPARTMENT OF THE INTERIOR

COMMISSIONER IN CHARGE OF CIVILIZED TRIBES.

Filed June 5 1902

ACTING CHAIRMAN.

On Old Creek Card 2344

*Filed
Mar 11 1899 and
enrolled June 19 1899
[illegible]*

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Rufus Rolland
(Here insert name of deceased.)
 a citizen of the Creek Nation, who formerly resided at or near
Kealaka, Ind. Ter., and died on the 28 day of February,
(Here insert name of post office.)
1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

Northern District.

I, Annie Rolland, on oath state that I am 32
 years of age and a citizen, by blood, of the Creek Nation;
 that my post office address is Pitby, Ind. Ter.; that I am
Mother of Rufus Rolland,
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by blood, of the Creek Nation;
 and that said Rufus Rolland died on the 28 day of
February, 1900
(Here insert name of deceased.)

WITNESSED TO ME:

Subscribed and sworn to before me this

5 day of June, 1902
H. S. Boren
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

Northern District.

I, Rose Buck, on oath state that I am 60
 years of age, and a citizen, by blood, of the Creek Nation;
 that my post office address is Pitby, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Rufus Rolland, my grandchild
(Here insert name of deceased.)
 who was a citizen, by blood, of the Creek Nation;
 and that said Rufus Rolland died on the 28 day of
February, 1900
(Here insert name of deceased.)

WITNESSED TO ME:

(Must be Two
 Witnesses.)

Ed. Merrick

Rose & Buck
 mark B

Subscribed and sworn to before me this

5 day of June, 1902
H. S. Boren
 Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JUNE 19, 1906.

In the matter of the application for enrollment of
Rufus Rolland, as a citizen by blood of the Creek Nation.

Thomas Brown being first duly sworn, testifies as follows:

- Q: What is your name? A: Thomas Brown.
Q: How old are you? A: I was about 28 or 29 I think.
Q: What is your post-office address? A: Bixby.
Q: Are you a full blooded Euchee? A: Not any full blood about three quarters I think.
Q: You are enrolled? A: Yes sir.
Q: Are you married? A: Yes sir.
Q: How many times have you been married? A: Well I only been married once.
Q: What is the name of your wife? A: My wife's name is Annie Rolland, used to be and Annie Rolland Brown it is now
Q: What was the name of her father? A: John Buck.
Q: What is the name of her mother? A: Rose Buck.
Q: What was the name of her husband before you married her?
A: Master Rolland.
Q: Is he dead? A: Yes sir, he is dead.
Q: When did he die? A: He died about February 1902 I think.
Q: Then you married her? A: Yes sir.
Q: Do you know the child he had by Annie before he died?
A: Yes, I know it.
Q: What was the name of that child? A: Rufus Rolland, they call it.
Q: That child wasn't living with you and your wife? A: No sir, he is dead.
Q: Rufus is dead? A: Yes sir.
Q: When did he die? A: It was about the 5th day of April 1899
Q: Where did you get this information from? How do you know that? A: Well that was the time I worked for Jackson Barnett, he used to stay ~~there~~ over here, he lived at Choska, I used to work there and I went down and inquired of the doctor how my sister was and when I went there I seen the child, he was living and just a while after he died, when I came back the next day he was dead.
I know it was in April I found him at Jackson Barnetts.
Q: Would you having gone through there at that time and having seen that child make you remember it was April 1899?
A: You see I wasn't out there in March, I got through plowing and planting and I thought I would go and see my sister and I knew the boy before. I knew he was sickly and about a half hour before I passed her house I went in and saw he was pretty bad and the next day the old man was fixing the coffin when I came along.
Q: Do you mean Annie's father, John Buck? A: Yes sir.
Q: Was anybody else fixing the coffin, do you know?
A: No, he was fixing it himself.
Q: That was about Kelleyville? A: No right close to Bixby.
Q: What was Annie and this child Rufus doing there?
A: They were living there. Right at the other side of Choska.

- Q: Is that near Wealaka? A: Yes about two and a half miles South, about three miles from Choska.
- Q: Are you sure it wasn't in March that that child died?
- A: I am sure it wasn't in March because the grass was too high
- Q: Do you know whether they had a doctor for Rufus? A: No, I didn't see them have a doctor when I was there.
- Q: Did they have an undertaker to bury the child?
- A: I didn't go up there, they wasn't going to bury it the same evening and I came right home.
- Q: How old was Rufus about? A: I don't know exactly, I know he was a little over a year old.
- Q: What makes you think it was April 4th or 5th? A: Well you know it was inside of April, it was near the 4th or 5th the only way I can say it, I planted and got through planting, I worked to the month and had to keep account of it.
- Q: How do you know it was the year 1899? A: I was working there that year.
- Q: Do you know what year this is Thomas? A: 1906 ain't it?
- Q: Yes. That was about 7 years ago, wasn't it? A: Yes sir
- Q: Do you remember the month you began planting in 1898, the year before this child died? A: The year before, I cant tell you what day I did plant that many years ago sometimes I plant early and sometimes later.
- Q: Can you tell me what month you planted in 1900 or afterwards
- A: I worked bunching cattle after that.
- Q: Have you ever planted since that year, any year since?
- A: Sometimes I planted in April and sometimes I planted in March.
- Q: Can you tel me the exact date in any other year you planted since this child died? A: I can tell you this year, I planted on the 10th. of April and last year I planted on the 15th of April and year before last I didn't plant until June.
- Q: How does it come that you can remember April 4th or 5th that year? A: I had to count it up it up from the day I last went out, I had to count in the day I worked for 30 days. I counted and got there on the 2nd. and I gathered up my horses on the 3rd and 4th and I went up there.
- Q: Well now Tom, Annie swears to an affidavit here and she said this child died in February.
- A: She might have made that affidavit that way, I am just telling what I know.
- Q: Do you think you are right or that she is right?
- A: I think I am right close to it.
- Q: But she said it was born in February, one month earlier than what you say and died in February one month later? Now you are advised that letters have been written to your wife Annie several times about this matter and she has been notified to appear here with two witnesses who know the dates of the birth and death of the child and she has not responded to them, and she should do so. She should come in here with 2 witnesses who know about these dates. One of these witnesses should be John Buck, you say he made the coffin. If they have written down anywhere about the birth or death.
- Q: Do you know anything about that? A: I don't know.
- Q: Do you know when the Creek Land Office opened? A: Yes sir 1899, in June.

I didn't know it had opened, but about a half dozen filed the first Eucheas, George Barnett, Billy Barnett, Amos Rollands, and Billy Brown, they was the first ones that filed.

- Q: You know when Amos Rolland filed do you? A: Yes sir.
- Q: Is he any kin to you? A: No sir.
- Q: Any kin to your wife? A: No sir, that is Master Rollands brother.
- Q: So you know when he filed do you? A: Yes sir he had filed the first.
- Q: He filed the first day of the opening did he? A: Yes sir.
- Q: Was this child of Master Rolland, Rufus living at that time? A: No.
- Q: Are you sure of that? A: We was all together here and Rufus wasn't living then.
- Q: Amos Rolland filed a long time before Master Rolland filed from the records here? A: Yes, I think so.
- Q: Yet Rufus was not living when Amos filed?
- A: Of course that boy was living when Amos filed.
- Q: Are you sure of that? A: I think I am sure he came here to file in February.
- Q: Who did? A: Amos and after he got back he went away. I don't know whether he either had filed or not
- Q: You just stated that you thought the land office opened in June, if the land office opened in June, Amos couldn't have filed in February could he? A: The land office was opened in June because I was here to file in June.
- Q: And Amos filed before June? A: That is what he told me so I said it, I don't know whether he had filed or not. They all came here before I did.
- Q: The only thing you know of the opening of the land office is that you filed in June 1899? A: Yes sir.
- Q: So did Master? A: Yes sir, he was here the same time I was.
- Q: The child was dead then was it? A: Yes he was dead.
- Q: How long had Rufus been dead at that time?
- A: About 2 months ain't it, a little over two months.
- Q: You are sure he was dead when you and Master filed? A: Yes sir.
- Q: Did you both file the same day? A: I don't know as he filed the same day I filed. I went back after I filed.
- Q: Well the records of this office show that citizenship certificate was issued to you on the 28th of June 1899 and one to Master Rolland on the 29th of June 1899, the next day. You are sure Rufus Rolland was dead then?
- A: I am sure he was dead.

The witness is also advised that it would be a good idea to have Rose Buck who has executed an affidavit about the death of this child, ~~when the witness lived.~~

- Q: Is that John Buck's wife? A: Yes sir.
- Q: That is your wife's mother? A: Yes sir.

I, Julia C. Laval, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me
this 20, day of June 1906.

W. H. Davis

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Wealaka, I. T., June 28, 1906.

In the matter of the application for the enrollment of Rufus Rolland, deceased, as a citizen by blood of the Creek Nation.

ANNIE BROWN (formerly Rolland), being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Annie Brown.
Q How old are you? A I am about forty.
Q What is your post office address? A Bixby.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Under what name are you enrolled? A Annie Rolland.
Q To what Creek Town do you belong? A Euche.
Q Did you have a child named Rufus Rolland? A Yes, sir.
Q When did that child die? A I don't know exactly but my husband knows. He is not here now.
Q How many years has it been since that child died? A I do not know. I don't know the dates.
Q Do you remember the circumstance of the opening of the Creek Land office? A Yes, sir.
Q Was this child living at that time? A Yes, sir, the child was living at the time people first began making selection of land and they had been filing for sometime when the child died.
Q How long had the child been dead when you appeared before the Commission and filed upon your land? A The child had been dead about three weeks when we went and filed.
Q How old was this child at the time of its death? A It was over a year old.
Q Do you know in what month the child died? A In April.
Q Did you ever execute an affidavit about the death of this child?
A Yes, sir, I remember of fixing out some papers about the child.
Q We have an affidavit executed by you and Rose Buck, June 5, 1902, stating that Rufus Rolland died on the 28th day of February, 1900?
A That was an error. The date is not correct. The child died in April but I do not remember in what year.
Q Who is the father of the child? A Marster Rolland. He is dead.
Q Was there any record made of the death of this child? A No, sir. No record of any kind was made.
Q Are you positive the child died in the year in which you filed? A Yes, sir.
Q You are positive the child had been dead about three weeks when you filed? A Yes, sir.

THOMAS BROWN, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Thomas Brown.
Q How old are you? A About twenty-eight.
Q What is your post office address? A Bixby.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Euche.
Q Are you acquainted with Annie Brown? A Yes, sir.
Q Did you know a child of hers named Rufus Rolland? A I seen him about twice.
Q Do you know when that child died? A In 1899.
Q In what month? A April.
Q What time in April? A some where along about the 5th.
Q How do you remember the date? A Because I know the child was living-----It was sickly----I know it died some where along about the 5th.

Q Did you see the child when it was dead? A No, sir.

Q When was the first time you saw the child? A About in March.

Q When was the last time you saw it? A I do not know what day of the month it was. They had him here--he was pretty sick. It must have been about the last of the month of March. He had been sick a long time.

Q The child died from that sickness? A Yes, sir.

Q Are you positive it was about the 5th of April when it died? A Yes, sir, I know it was along in the first of April.

Q Are you sure it was not before the first of April? A Yes, sir. I know it was in April.

Q Had people begun filing at the time the child died? A We filed in June. I don't know whether people were filing when the child died or not.

Q Is there any thing that helps you to remember that the child died about the fifth of April? A I think it was just about along there.

Q Did you file at the same time Annie filed? A Yes, sir.

Q Annie Brown, the mother of the child, swears that the child had been dead about three weeks when she went to file. According to that the child must have died in May or June? A It is two months.

Q You are positive the child died in April? A Yes, sir.

ANNIE BROWN recalled:

BY THE COMMISSIONER:

Q ~~When~~ Did you make any effort to enroll this child at the time you appeared before the Commission and filed for yourself? A No, sir.

Q Why didn't you? A I did not know at that time that application could be made for dead persons.

ROSE BUCK, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

Q What is your name? A Rose Buck.

Q How old are you? A I do not know.

Witness appears to be over fifty years of age.

Q What is your post office address? A Bixby.

Q Are you acquainted with Annie Brown? A Yes, sir, she is my daughter.

Q Did you know a child of hers named Rufus? A Yes, sir.

Q Do you know when that child died? A I do not know. I know nothing about dates.

Q How many years has the child been dead? A I have no idea.

Q Do you remember the circumstance of the opening of the Creek Land Office? A I do not know the month or year but I remember I heard people talking about it, saying the land office was opened.

Q Was the child living at that time? A I think the child died about that time.

Q Was the child living when you filed upon your allotment? A I did not file upon my land in person--my husband filed for me.

Q Do you know in what month the child died? A I do not know.

JOHN BUCK, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A John Buck.

Q How old are you? A Seventy or over.

Q What is your post office address? A Bixby.

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q To what town do you belong? A Bixby.

Q Do you know Annie Brown? A Yes, sir.

Q What relation is she to you? A I am her father.
Q Did you know a child of hers named Rufus Holland? A Yes, sir.
Q Do you know when the child died? A I do not. I cannot fix the date exactly.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Was the child living at that time? A Yes, sir.
Q Are you positive of that? A Yes, sir.
Q Did the child die before or after you made selection of land for yourself? A I did not file immediately after the opening of the land office because my sympathies were with the Snake movement, but I know the child was living when the land office opened and died shortly afterwards. I remember the circumstance of the child's death very distinctly. Anne and her husband were living almost in my yard at that time.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 2nd day of July, 1906.

Edward Kerner
Notary public.

Cr.En.1038.

OCH.
AG.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rufus Rolland, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on June 5, 1902, application was made, in affidavit form, for the enrollment of Rufus Rolland, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had June 19, 1906, and June 28, 1906.

The evidence and the records in the possession of the Commissioner show that said Rufus Rolland, deceased, was the child of Master Rolland and Annie Brown (who is identified upon the schedule of citizens by blood of the Creek Nation as Annie Rolland), whose names appear upon a partial roll of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite numbers 1897 and 1898 respectively.

The evidence in this case further shows that said child was more than a year old at the time of its death. The evidence as to the exact date of death of said child is conflicting but establishes said date to be sometime subsequent to April 1, 1899, and shows said child was living on said date.

It is, therefore, ordered and adjudged that said Rufus Rolland, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation, under the Acts of Congress approved June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and the application for his enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 5- 1907

2813
D. C. 98.

Muskogee, Indian Territory, January 30, 1904.

Annie Rolland,

Bixby, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the death of your child, Rufus Rolland, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the death of said child, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 20, 1905.

Annie Rolland,

Bixby, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the death of your child, Rufus Rolland. The Commission desires further evidence in said case.

You are hereby notified to appear before the Commission at Sapulpa, Indian Territory, July 10, 1905, with at least two witnesses who know the exact dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

CR EN 1039

CR EN 1039

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Eva Fulbright, deceased, as a Creek Freedman.

D E C I S I O N.

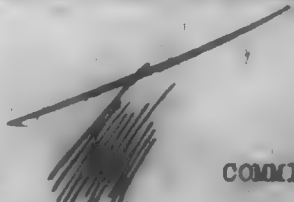
The record in this case shows that on June 18, 1906, application was made, in affidavit form, for the enrollment of Eva Fulbright, deceased, as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906. Testimony was taken in this matter on said date and further proceedings were had on November 19, 1906, and November 20, 1906. Two affidavits filed in this office July 24, 1906, and six affidavits filed in this office February 1, 1907, in the matter of the birth and death of the applicant, are attached to and made a part of the record herein.

The evidence and the records in the possession of this office show that said Eva Fulbright, deceased, was the child of Robert Fulbright, a non citizen of the Creek Nation, and Mary Fulbright, a duly enrolled citizen of the Creek Nation, whose name appears on a partial schedule of Creek freedmen approved by the Secretary of the Interior on December 1, 1903, opposite number 5026.

The evidence in this case as to the dates of the birth and death of the applicant is contradictory. However, the weight of the evidence shows that she was born on or about the 28th. day of February, 1906; that she was living on March 4, 1906, and died subsequent to said latter date.

It is, therefore, ordered and adjudged that the applicant, Eva Fulbright, deceased, is entitled to be enrolled as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137), and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory,


COMMISSIONER.

FEB 7 - 1907

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JUNE 18, 1906.

In the matter of the application for enrollment of Eva Fulbright, deceased, as a Creek Freedman.

Mary Williams Fulbright being first duly sworn, testifies as follows:

- Q: What is your name? A: Mary Williams.
Q: That is your name now, is it? A: No sir, my name is Mary Fulbright.
Q: Didn't you understand my question, what is your name?
A: Mary Fulbright.
Q: How old are you? A: 19.
Q: What is your post office address? A: Grayson.
Q: Are you a Creek Freedman? A: Yes sir.
Q: What is the name of your father? A: My father's name is Robert Williams.
Q: What is the name of your mother? A: Josephine Williams
Q: Do you know what name you were enrolled under?
A: Mary Williams.
Q: Name some of your brothers and sisters? A: Maggie Williams, Gertrude Williams, Amanda Williams.
Q: Did you ever hear of Elmira? A: Yes sir.
Q: Is that your sister? A: Yes sir.
(The witness is identified as Mary Williams, opposite Creek Freedman Roll No. 5026.)
Q: A Notary public named Meed handed us an affidavit about a child named Eva Fulbright, is that your child?
A: Yes sir, that is the same child.
Q: Is Eva ~~living~~ living? A: No sir.
Q: What is the name of the father of this child?
A: Robert Fulbright.
Q: Is he a state man? A: Yes sir.
A: Living? A: Yes sir.
Q: How old was this child when it died?
A: Three months old.
Q: Are you sure of that? A: It was two months and two weeks old I think, pretty near three.
Q: What day of the week was she born on? A: Tuesday.
Q: What day of the week was it she died on? A: On Sunday.
Q: You are sure of that are you? A: Yes sir.
Q: On what day of the month did she die? A: I don't know I don't remember exactly what day of the month it was.
Q: How long ago was it? A: It has been six weeks ago.
Q: You can't tell me the date of her death? A: I think it was on the 12th. of May or April. The 12th or 13th. of April.
Q: Which is correct the 12th. of May or the 12th. or 13th of April
A: I think it was the 13th. of April. It was the same time that application was made any way.
Q: As soon as what application was made? This affidavit that Meed handed in? A: No sir, it was before that man came and got the application.
Q: What do you say, that it was after the application then?
A: I mean to say before.
Q: How long had it died before you made this application before Meed? A: Two weeks.
Q: Are you sure of that? A: Yes sir.
Q: Exactly two weeks? Wasn't it 2 days more or less?

- A: No sir, it wasn't no more, I don't think.
Q: You don't know the date of the death of this child do you?
A: No sir, not exactly, I know it was on Sunday.
Q: Don't you know what month it died in? A: In April.
Q: What month did you go before Meed and make this affidavit?
A: In May.
Q: Are you sure it wasn't more than 2 weeks before you made this affidavit that this child died? A: Yes sir.
Q: This affidavit is dated May 18, 2 weeks before would be about May 4, how do you account for that?
A: May 4, well it was just about 2 weeks any way.
Q: You stated positively a little while ago, it wasn't more than 2 weeks before and now you state positively it died in April? When was it born?
A: In February.
Q: Why do you say February, don't you know there are more than 20 days in February, and you just say February, can't you come closer than that? A: It was born the 28 of February.
Q: Was that the last day in February or how many days before the last? A: It was before the last day.
Q: How many days were there in last February? A: 29.
Q: What day of the week do you say it was born on? A: Tuesday.
Q: Are you sure of that? A: That is what they said it was.

Testimony here discontinued at 12 o'clock and continued at 1 o'clock P.M.

- Q:
Q: So you don't know the date of the month your child was born or died on? A: I know the date the child was born.
Q: When was that? A: The 28th. day of February.
Q: What day of the week do you say that was? A: Tuesday if I am not mistaken.
Q: What time of the day or night was the child born on?
A: It was about 9 o'clock in the day time.
Q: Who was present when that child was born? A: My grand-mother and my husband.
Q: Who was your grand-mother? A: Mollie Hawkins.
Q: Was she the mid-wife? A: Yes sir.
Q: And your husband was there? A: Yes sir.
Q: Are you married to Robert Fulbright? A: Yes sir.
Q: Have you a marriage license? A: Yes sir.
Q: Have you the marriage license with you? A: Yes sir.
Q: Where is it? (Witness presents license)
Q: Have you ever had any other children by him? A: No sir.
Q: This is the first one and the last one? A: Yes sir.
Q: Any white people living near you? A: No sir.
Q: All black out there at Grayson? A: Yes sir.
Q: Did you have a doctor when the child was born? A: No sir.
Q: How long were you sick after the birth of the child?
A: Two weeks.
Q: When did you arise from that illness? A: I went out doors the day it was 2 weeks old.
Q: What day was that? A: On Tuesday.
Q: What day of the month? A: I don't know sir.
Q: You don't seem to be very positive even as to the month that the child died, are you positive as to the month she was born in? A: Yes sir.
Q: What month was that? A: February.
Q: Do you state February had 29 days this year? A: Yes sir.
Q: Did you have a doctor when the child died? A: No sir.
Q: Who was present when the child died? A: We sent for the doctor but it was dead when he got there.
Q: Who was the Doctor? A: Doctor Darden.

- Q: What day of the week do you say it died on?
A: Sunday.
- Q: The doctor was there during that day wasn't he? A: Yes he came but the child was dead when he got there.
- Q: Did he charge you anything? A: No sir.
- Q: Did you go to the undertakers or to the funeral? A: No sir.
- Q: Who buried the child? A: I don't know sir, I wasn't there.
- Q: You don't know whether it was buried near the house or far away? A: It was buried at the cemetery all right enough.
- Q: You didn't go though? A: No sir.
- Q: How was it taken to the graveyard? A: In a wagon.
- Q: Who took it? A: My husband and his cousin and grandma. Some more people around there I couldn't tell who they all was.
- Q: Do you know what month this is? A: Yes sir.
- Q: What is it? A: June.
- Q: What day in June is it? A: It is the 18th.
- Q: What month was before this one? A: May.
- Q: Did your child die last month? A: Yes sir.
- Q: You stated before dinner that it died before May?
A: I said the 12th. of May.
- Q: As I remember you said the 12th. or 13th of April?
A: I said the 12th or 13th of May, if I am not mistaken.
- Q: You said April. You now state the child died the 12th of last month? A: Did I say April, it was May.
- Q: The 12th. of last month? A: Yes sir.
- Q: How old was it? A: It was 2 months and 2 weeks old.
- Q: How many days before the 1st. of March was this child born if you know? A: "Wasn't it?"
- Q: I am asking you? A: Two.
- Q: This year February has 28 days, you made a mistake in saying it has 29, now didn't you make a mistake in saying it was born the 28th. of February? A: No sir.
- Q: You say it was born 2 days before the 1st. of March, if it was born on the 28th. you are mistaken on that are you not?
A: It was born on the 28th. of February.
- Q: How do you know it was that date? A: I saw it on the calendar, I did.
- Q: We have a calendar here for this year and it shows the 28th. of February was on Wednesday.
- A: I might be mistaken, I thought it was on Tuesday.
- Q: Did you look at the calendar? A: Yes sir.
- Q: Was it in the same room with you? A: Yes sir.
- Q: It wasn't on your bed was it? A: No sir.
- Q: If you were sick, down in bed how could you get it and look at the calendar? A: It was hanging up where I could see it.
- Q: What made you look at the calendar? A: I looked to see what day of the month it was.
- Q: Do you know when the first of March was, when it came in?
A: No sir.
- Q: You don't? So you don't know how many days before or after that this child was born do you? A: No sir.
- Q: Do you know when the 4th. of March was? A: No sir.
- Q: Well then how came you to swear in this affidavit before me that the child was living March 4th. A: I know it was living March 4th. I don't know what day of the week it was.
- Q: Which comes first, February 28 or March 4th. A: February 28th.
- Q: How many days before March 4th. is that? A: 4.
- Q: Now you are beginning to figure up, aren't you, a little while ago you thought February had 29 days? If February

- had 29 days, February 28th, wouldn't be 4 days before March 4th? A: No sir.
- Q: Why do you change? A: I thought so still until you said it didn't have but 28 days.
- Q: How many days ago did this child die? A: I couldn't tell you how many days.
- Q: Did you have a preacher at the funeral? A: No sir.
- Q: What day of the week was it buried? A: I don't know.
- Q: Didn't you have any kind of funeral services at the house or grave? A: They didn't have none at the house, I don't know what they had at the grave.
- Q: Was there any record made of either the birth or death of this child? A: Yes sir.
- Q: When was it? A: In the bible.
- Q: Have you that bible with you? A: No sir.
- Q: Who wrote it? A: My husband.
- Q: What did he write? A: He wrote the birth and death.
- Q: What did he write with a pen or pencil? A: Pencil.
- Q: Did you see him write it? A: No sir, he said he did.
- Q: Did you ever see that writing? A: No sir.
- Q: Do you remember of going before this Notary Public Meed and making out the affidavit about this child? A: Yes sir.
- Q: You remember that day do you? A: Yes sir.
- Q: How did you get there to him? A: I didn't get to him he came to me.
- Q: He came to your house? A: Yes sir.
- Q: Did he stay to dinner, any meal or anything like that? A: No sir.
- Q: Well was there anything that would make you remember the day he came there? A: He came there on Friday evening?
- Q: He did? A: Yes sir.
- Q: Notary publics are not in the habit of visiting you are they? A: No sir.
- Q: They are not in the habit of making affidavits as this is the first child? A: No sir.
- Q: How long had the child been dead when he came to your house? A: Well I don't know sir.
- Q: You don't know how long it had been dead? A: No sir.
- Q: Well you can tell me now how long it has been dead from now which is a longer time, how is that? A: I don't know.
- Q: It was a shorter time between his visit and its death and you can't tell how long it was, and you can tell the time between its death and now, how can you explain that? Had it been dead a month when the Notary public came to your house, after this affidavit? A: No sir.
- Q: Had it been a week? A: It had been over a week.
- Q: Was it two weeks? A: No sir.
- Q: How much over a week? A: I don't know how much over a week but it was over a week.
- Q: Was it a week and a half? A: Yes, I guess about that.
- Q: Is Mollie Hawkins the mid-wife, your mother? A: Grand-mother.

Mollie Hawkins being first duly sworn, testifies as follows

- Q: What is your name? A: Mollie Hawkins.
- Q: How old are you? A: I don't know my age.
- Q: Don't know dates at all, do you? A: No sir.

- Q: Can't you keep dates at all? A: No sir, I don't know nothing about dates.
- Q: What is your post-office address? A: Wild Cat (Grayson)
- Q: Do you know this girl here? A: Yes sir.
- Q: Did you attend on her when her child Eva was born?
- A: Yes sir.
- Q: What month was that? A: I don't know one month from another, but they told me it was February.
- Q: Who told you that? A: Everybody told me that. She said it was February, I don't know one month from another unless somebody tells me.
- Q: Did she tell you that very often? A: No sir, not very often.
- Q: Did she tell you that today? A: Yes she told me that and when it was born.
- Q: How many times has she told you that today? A: Many time but once.
- Q: How did she tell you? What did she tell you that today for?
- A: Well she told me when the child was born but I told them I didn't know anything about the day of the month. I couldn't understand that date. That is something I don't understand.
- Q: Why did she tell it to you today? A: Because she wanted to be straight about it, because she knew I didn't know.
- Q: She wanted to coach you? A: No she didn't want to cote me now, I am telling the straight thing about it.
- Q: If you can't remember the exact day or date of the month tell about how long the child lived? A long time or a short time? 2 weeks or 1 week. 2 weeks or 1 week, which was it? A: I took it to be 1 week.
- Q: You know how long a week is don't you? A: Yes sir.
- Q: How long is it? A: 4 days.
- Q: You know when Sunday comes and people go to church? A: Yes sir.
- Q: Then when another Sunday comes again is a week isn't it?
- A: Yes sir.
- Q: Did this child live about that long? A: Yes sir.
- Q: Did it live as much as 2 Sundays? A: In my recollection it lived a Sunday and it was buried on a Sunday.
- Q: It wasn't born on Sunday was it? A: No sir.
- Q: Do you know what day of the week it was born on? A: No sir.
- Q: You know it was some week day, don't you? A: Yes sir.
- Q: Was it ~~born~~ the next Sunday after that or 2 Sundays buried
- A: One Sunday after, if I am not mistaken, I am not much at recollection.
- Q: We are not asking you dates of the month, we are asking if the child lived a long or a short time?
- You know when a day is, don't you? A: Yes sir.
- Q: From sun up to sun down and a night is a day? A: Yes sir.
- Q: Well about how many days? A: If I could tell I would tell it straight. I don't know exactly.
- Q: Did it live as many as 30 days? A: I don't know 30 days. I don't know how much that is.
- Q: Well now you would know when 4 Sundays would come past wouldn't you? A: Yes sir.
- Q: Now yesterday was Sunday and one Sunday before that and another Sunday and another Sunday that is 4 Sundays?
- A: Yes sir.
- Q: People go to church on that day, four of these days make a month, about 4 Sundays, do you see? A: No sir not as I know of.

- Q: To your recollection it lived just a little over one Sunday did it? ~~It~~ That is a plain question.
- A: Yes sir, it is plain enough if I understand.
- Q: You were there when it was born, wasn't you?
- A: Yes sir.
- Q: You didn't leave the house right away did you? A: No sir I didn't leave the house right away.
- Q: Did you stay there until it died? A: Not exactly stay there, I came back and seen her mother, I went to her mother's she was sick and then I went back to her.
- Q: How long had you been with her before you went to her mother's?
- A: About 2 weeks.
- Q: From the time you stayed with Mary, when Eva was born, until you went to your daughter's house, was it only a few days?
- A: Yes sir.
- Q: You were there when the baby was born? A: Yes sir.
- Q: How long did you stay after the child came?
- A: I stayed there a week.
- Q: Then you went to another daughter of your's that was sick?
- A: I went there and then went back.
- Q: Was the child dead before you went away? A: No sir.
- Q: You stayed about a week with Mary and then you heard your daughter was sick and went to her? A: Yes sir.
- Q: What is her name? A: Josephine Williams.
- Q: And you stayed a couple of days with your daughter Josephine and then came back to her house? A: Yes sir.
- Q: Was the child living when you got there? A: It was dying when I got there.
- Q: Did it die right after you got there a ~~little~~ little while?
- A: Yes sir.
- Q: What made it die, do you know? A: It was sick I reckon.
- Q: Do you know what sickness? A: No sir, I don't. It took with a spasm or something.
- Q: About how big a child was it when it died there? A: It was a good sized child.
- Q: What do you mean by that, sometimes a child a year old isn't a good size? It was a little bit of a baby wasn't it?
- A: Like a young baby will be.
- Q: You know the child wasn't a month old don't you?
- A: When it died?
- Q: Yes. A: No sir, I don't reckon it was.
- Q: Did your daughter Josephine get well? A: She is dead.
- Q: Are you sure of that? A: Yes sir.
- Q: Did she die when you went up there? A: She just died about a month ago.
- Q: Which one died first, your daughter Josephine or this child Eva? A: This child.
- Q: How long before your daughter died? A: I don't know exactly that I can keep account of it.
- Q: Can't you tell me about how many Sundays? A: No sir, I didn't pay any attention to it.
- Q: You were there when that child died and there when it was born? A: Yes sir.
- Q: And you don't know the dates of either but you do know to within your limited knowledge of months and days, you can tell about how long that child lived, whether it was a long time or a short time?
- A: I tell you in my recollection it was a week.
- Q: Well now what if the mother of the child, Mary here says it was 2 months and 2 weeks or about 10 weeks, what do you say about that?
- A: Well I reckon she knows better than me.

- Q: Do you mean to say that you were there when it was born and when it died would think it was only one week and the mother of the child would think it was 10 weeks? I want you to tell how long it lived? A: I don't know exactly I said a week. I was there when the child was born and when it died but I didn't pay enough attention to know when it died, but I thought it was a week.
- Q: What were they doing in the fields when the child was born? A: They wasn't doing nothing that I know of.
- Q: Wasn't there any work going on or anything like that, that would make you remember? There wasn't anything like a man starting to dig potatoes and he finished about that time. Nothing like that going on? A: Not as I know of.
- Q: Were you at the grave when the child was buried? A: Yes sir.
- Q: What was it buried in? A: In a coffin.
- Q: Who dug the grave do you know? A: I don't know exactly the man who dug it, but there was men there who did it.
- Q: Who made the grave, do you know? A: No sir.
- Q: Do you know whether it was made of boards or a bought coffin? A: It was made out of planks.
- Q: Was the mother of the child at the grave when it was put in the ground? A: No sir.
- Q: Why wasn't she? A: She wasn't well enough and it was cold.
- Q: Why wasn't she well enough? A: Wasn't well enough is all I know.
- Q: From this child being born? Wasn't she up from the birth of this child? A: She was up but she wasn't well enough.
- Q: Was she still sick enough from having that child that she couldn't go to the funeral? A: She was sick before she had it.
- Q: Was there some other kind of sickness that kept her from going to the grave? A: Yes sir, she had been sick.
- Q: What was she sick with? A: Sick with cold is all I know.
- Q: Do you think that is what made the child die? A: No sir.
- Q: What was she sick with before do you know? A: No sir.
- Q: You say she was sick before do you? A: Yes sir.
- Q: Then after the child was born she was sick yet with something else? A: Yes sir.
- Q: Didn't she ever have a doctor? A: The doctor came to examine the child when it took sick.
- Q: Didn't the Doctor come to see her? A: He had given her medicine.

Robert Fulbright being first duly sworn, testifies as follows:-

- Q: What is your name? A: Bob Fulbright.
- Q: How do you spell that? A: Fulbright.
- Q: How old are you? A: About 28. I soon will be this year sometime.
- Q: Don't you know when? A: No sir, I don't know when.
- Q: No sir, I don't know when.
- Q: Don't you know when your birthday is? A: No sir.
- Q: What is your post-office address? A: Grayson.

- Q: Can you read or write? A: No sir I can write my name.
- Q: Can you write anything else? A: I can do a little figuring but not enough to do any good.
- Q: If I asked you to write out "this is a calendar for the year 1906 made at Muskogee, Indian Territory" couldn't you write that? A: No sir. I couldn't write that much.
- Q: You couldn't write that much? No sir.
- Q: You couldn't write that that I just asked you?
- A: No sir I couldn't write that.
- Q: Then about all you can write is your own name? A: No sir I couldn't spell those words.
- Q: Suppose I would ask you to write, "John Jones died July 4 1905" could you write it? A: No sir I couldn't write that
- Q: Suppose I asked you to write "Sam Smith was born Feb. 28, 1906" could you write that? A: I couldn't spell that name
- Q: Couldn't spell Sam Smith? A: No sir.
- Q: If I would ask you to write "Eva Fulbright was born in Feb. 1906" could you write that? A: No sir, I couldn't, I don't expect I could spell Eva. I could write the Fulbright,
- Q: That is about the limit of your writing is it? A: If anybody would tell me what letters to put I could write it.
- Q: But unassisted you could not have written that could you?
- A: No sir if nobody told me how to spell the names, I couldn't get the letters together.
- Q: Is that woman over there your wife? A: Yes sir.
- Q: You are married to her? A: Yes sir.
- Q: How long have you been married to her? A: I have been married a year and--- well, this last Christmas is a year ago.
- Q: Did you ever have any children by her? A: Yes sir.
- Q: Haven't got any now have you? A: I had one by her and it died.
- Q: How long had you been married before you had this child?
- A: Somewhere near a year and 2 months.
- Q: The child died in February and we had been married a year and nearly 2 months when it died.
- Q: What time in February did it die? A: It died on the 28 of February.
- Q: How do you know that? Is there anything that makes you remember that? To remember when it died? What makes you remember that it died on the 28 of February 1906?
- A: It was born on the 28th. of February 19-----
- It was born on the 28th. this year.
- Q: What month is this? A: Let me see, I can tell you in a minute. (Witness figures it out by counting on his fingers, counted months from December to February and said a year and two months)
- Q: How old was the child when it died? A: The child was somewhere about 3 months old I think as near as I can remember, about 3 months old as near as I can remember.
- Q: You are not very positive about that? You say it was somewhere near 3 months? A: Yes, I don't know whether it was over or under that.
- Q: You don't know whether it was over or under that? A: No sir
- Q: Still you can tell me the exact date it was born, how can you account for that? A: I don't know how many months has passed, that is it, it has been somewhere about 3 or 4 months past since that.
- Q: How long ago did the child die? A: It had been dead about a month.
- Q: Well can you come any closer than that, is it more than or less than a month or don't you know?

- ✓ A: It is a few days over a month.
Q: Since it died? A: Well it is somewhere about a month, it may be a few days over since it died.
Q: Do you know what date of the month this is? A: Not for certain, today is the 18 or 19 I don't know what.
Q: Of what? A: Of June.
Q: Wasn't a month ago, wouldn't that be the 18 or 19 of May?
A: Yes sir.
Q: Was it that time to the best of your knowledge or before or after that the child died?
✓ A: It was before the 18 or 19. June this is.
Q: How much before? A: About 4 or 5 days before.
Q: How old did you say it was when it died? (Witness counts on his fingers) A: I think it was 3 months old, I think.
Q: Was it more or less than three months? A: I don't know whether it was more than that or less.
Q: Didn't you say a while ago it was about 4 months old when it died? A: I said I don't know whether it was less than 3 months. Whether it was over or under 3 months.
Q: Do you know a notary public named Meed? A: No sir, I don't know there is one come there but I don't know his name.
Q: You remember one coming there? A: Yes sir. A kind of heavy set fellow.
Q: Was the child living then? A: No sir.
Q: How long had it been dead at that time? A: Well I am not for certain, but when he came there it was 4 or 5 days somewhere along there, but I am not for certain how many days.
Q: Wasn't it 4 or 5 weeks? Was it 4 or 5 weeks when he came there? A: No sir.
Q: What makes you say the child was born February 28th, if you don't know your own age and you are not absolutely certain what day today is?
A: My cousin put it on the book, the bible.
Q: Your cousin did that? A: Yes sir.
Q: You didn't do that yourself did you? A: No sir, I didn't do that, he put its name down there.
Q: What was the name of that cousin? A: Jim Fulbright.
Q: Is he here today? A: No sir.
Q: Witness is directed that he ought to have above named here with the writing)
Q: Did you ever see that writing? A: What he done? Yes, I have seen it.
Q: Did you read it? A: I couldn't read it good I couldn't make it out.
Q: Don't know what he wrote then? A: I could see the numbers he put there and Fulbright.
Q: You understood everything but the little short name Eva you didn't know what that was? A: I knew the name of the child but I couldn't spell Eva.
Q: You can't read it when it is spelled can you?
Did you ever tell your wife you wrote that down? A: No sir I didn't tell her who did write it.
Q: Who made the coffin for this child? A: A colored fellow out there named Eph.
Q: Eph what? A: I don't know that is all I know I had been seeing him ~~xxx~~ for a year but I don't know nothing else.
Q: Where did he get the lumber to make it?
A: I had some lumber there at home, that I had been building the house with.
Q: Do you know the day on which this child died?
A: The date of the month?

- A: No sir not for certain.
- Q: What day do you think it was? A: The day of the week or month? Q: Month. A: I haven't got any idea at all I will be honest with you I don't know sir.
- Q: Did your cousin write down the date of its death?
- A: No sir.
- Q: He did not. Did anybody? A: No sir, I don't think they did.
- Q: Did you buy anything at that time in the way of burial clothes or anything like that where we could get an account of it in the store? A: No sir, I didn't buy anything about that time at all. It was buried in clothes my wife made for it.
- Q: ~~Granny~~ Clothes that were put on shortly after it was born?
- A: No sir, you know she had so many changes of clothes and had them washed clean and put them on, we didn't buy anything.
- Q: Now do you understand the nature of an oath, to hold up your hand and swear well enough to know if it was a fact that if the child lived only one week as your wife's mother stated, if you deliberately say this child lived only 3 months and it is a fact that it lived only one week, as Granny says here, you could be sent to the penitentiary for that, do you understand that?
- A: For swearing to the wrong tale? Yes, I have heard of folks going.
- Q: Which is true what you say or what she says?
- A: Of course my recollection about it.
- Q: You couldn't be mistaken that much about it could you?
- X: The difference between 1 week and 3 months, could you be that much mistaken, even with your ignorance of days?
- A: No sir.
- Q: If it had lived only a week you would have known it wouldn't you? That short a time? If it had lived only a week?
- A: Why yes I guess I would.
- Q: Did your cousin write anything else except the date of the month? A: That is all.
- Q: How did he come to put that down? A: I asked him to put it down.
- Q: Do you know whether he got it right or not, the right date?
- A: I guess he put it down like I told him to on the 28th.
- Q: How long after the birth of the child before he put that down? A: He put it down, I don't know exact y it may have been a day or something like that.
- Q: Couldn't it have been a week after it was born? A: No sir.
- Q: Was it the next day after? A: The next day or two.
- Q: Was he at your house when he did that? A: Yes sir.
- Q: You told him what to put down did you?? A: I told him when it was born, he put it down that date.
- Q: How do you know what he put down? A: I could recollect then you know.
- Q: How did you know what to put down? A: I could recollect then.
- Q: Can you read anything at all but the date of the month?
- A: No sir, not exactly.
- Q: Did you look at the calander the day the child was born?
- A: I looked at the almanac. ~~It might be~~
- Q: Where was that almanac? A: At my house, they said it was the 28th.
- Q: Where was the almanac? A: At home.

- Q: Was it in the same room she was lying in with the child or in another room?
- A: It was in the same room.
- Q: Could she see it from where she was lying in bed? A: No sir.
- Q: There wasn't any calender hanging on the wall? A: No sir. I had the door blinds down, I had a glass door and she couldn't see it from where she was lying.
- Q: What do you mean by the door blinded? Isn't it in the same room? A: I had a curtain over the glass door to keep from lighting the room. The house was dark.
- Q: It was too dark to read from where she was laying, was it?
- A: Yes sir.
- Q: So she couldn't have looked at a calender when the child was born? A: Not at that time. She might have looked at it afterwards or before now, if she looked at it I don't know anything about it.
- Q: You never did have a calender hanging up in the room she is in, did you? A: Yes sir, I have one there now.
- Q: You just stated there wasn't a calender at all that it was an almanac? A: I didn't have ere one at that time.
- Q: You have one now? A: Yes sir.
- Q: How long have you had it? A: Tyson gave me it afterwards, the fellow who run the store.
- Q: Was the child dead when you got the calender? A: No sir.
- Q: Wasn't dead when you got the calender? A: No sir.
- Q: It was born sometime before you got the calender? A: Yes sir. I couldn't tell you exactly how long.
- Q: You didn't get the calender the same day the child was born?
- A: No sir.
- Q: You got it sometime afterwards? If your wife states she looked at the calender from where she was in bed, the day the child was born, she is telling something that is not true isn't she? A: I got it afterwards.
- Q: You know of your own knowledge you got the calender some days before the child was born there was no calender in your own house, you know your house well enough for that?
- A: There wasn't ere one there, there was an almanac there.
- Q: A person would have to have it brought to them and opened up to look at it? A: Them little blue back ones they do.
- Q: If there was a calender there hanging on the wall you did not have any light to see it to tell the date the child was born on, did you? A: No sir.
- Q: If she states there was a calender hanging on the wall that she could see from the bed where she was lying she is stating something that isn't true, isn't she?
- A: I didn't have ere one there at that time because I got it from Tyson.
- Q: What day of the week was your child born on? A: I don't know what day sir.
- Q: Do you know what day of the week? A: No sir, I don't.
- A: I don't know what day it was, but it was the last of the week.
- Q: Do you know what day of the week it died on? A: Yes sir. I went to town on Saturday and it died when I was gone.
- Q: Died while you were in town? A: I was on my way back I reckon, it hadn't been long dead when I got there.
- Q: Wasn't there anything happened when the child was born?
- A: No sir.

- Q: Nothing happened like a murder or anything like that?
A: No sir.
- Q: Nothing happened that would make you remember it?
A: That would make me remember that I was going to town?
- Q: Nothing that happened to make you remember the birth like going to town or anything like that that would help you to remember the day it was born? A: No sir.
Nothing happened as I know of about that.
- Q: Isn't it a fact the doctor had been treating your wife for some sickness before the child was born?
A: She had been taking medicine from the doctor.
- Q: Didn't he come to the house there any time close to the date of the birth of the child, before it was born?
A: No sir.
- Q: Was he there when it was born? A: No sir.
- Q: Did he come the same day?
A: No sir.
- Q: Did he get there the next day? A: No sir.
- Q: Was he there when the child died? A: I couldn't tell you anything about that I was on my way from town.
- Q: Did you get there the same day the child died? A: I had been on my horse to Okmulgee, and when I got home they said he had been there and gone.
- Q: How many days are there in February this year? A: There is about 28 or 29 I don't remember. I can tell it is the end
- Q: You could not state positively then whether the child was born on the last day of February or the next to the last day or on the first of March, that you are not certain about the dates of the month are you?
- A: The only reason I kept a recollection of the 28th. of February you know it is down on the paper.
- Q: Didn't you tell us a minute ago you knew when the end of the month came? A: Yes sir.
- Q: How did you know that? A: Because the people told me about it.
- Q: Did they tell you when the end of February came?
A: Well just as my recollection, that is it to my recollection I couldn't tell whether it was the next day or afterwards.
- Q: Couldn't you tell whether it was afterwards or before the child was born they told you that?
A: No sir, I couldn't tell whether it was the end of the month, they didn't say it was the first of the month but they told me it was the 28th.
- Q: Do people come around and tell you when the 28th. of the month comes? Did you hear when the end of the month came when this child was born? A: They said it was the last of the month.
- Q: Do you know what age this child would have had to be living on to be entitled to be admitted as a creek Freedman?
A: No sir.
- Q: Never heard that? A: No sir.
- Q: Do you know your wife's mother Josephine? A: Yes sir.
- Q: Is she living? A: No sir.
- Q: When did she die? A: I don't know sir when she died.
- Q: Did she die before or after your child was born?
A: I don't know sir, I disremember whether it was before or afterwards I was sick in bed when she died.

- Q: Wouldn't that make you remember when she died? A: Well I don't know.
- Q: Have you been sick more than once this spring? A: I have been sick pretty much this spring. I am not well now I am taking medicine now.
- Q: What was her name, Josephine what, when she died? A: Her husband's name was Dean.
- Q: Her name was Dean when she died? A: Yes sir.
- Q: Do you live near her? A: Well not right close to her.
- Q: Live in the same neighborhood don't you? A: She lived about a mile and a half from us.
- Q: She has a child before she died? A: Yes sir.
- Q: Which child was born first, yours or hers? A: Hers was born a little before mine I think.
- Q: How much before? A: I don't know sir, how much before.
- Q: Was it 6 months before? A: Oh no sir.
- Q: 3 Months? A: No sir.
- Q: 2 Months? A: No sir, it wasn't two months.
- Q: Was it One month? A: It was somewhere around about there, somewhere along about there.
- Q: Along about the month? A: Somewhere along but I am not sure about the date.
- Q: Were any other children you know of born close to the time of the birth of your child Eva and in the neighborhood there? A: No sir I don't recollect any.
- Q: You don't remember any? A: No sir.
- Q: Was it cold weather or warm weather when Eva was born? A: It was cold weather I reckon it was cold, there was plenty of ice.
- Q: You know when New Year comes don't you? A: Yes sir.
- Q: The week after Christmas, was it near that time when this child was born? A: It was after New Year's.
- Q: How long after New years? A: It was somewhere about two months after New Years. I can't count on the months exactly when I am well I can tell better, I have been in bed part of the time. I have not been well I can recollect better when I am well than I can now.

Mary Fulbright being recalled testifies as follows:-

- Q: Didn't you state a minute ago that your husband wrote down about the birth and death of this child? A: Yes sir.
- Q: How do you know that? A: I seen him do it.
- Q: Are you sure of that? A: Yes sir.
- Q: When did he tell you that? A: I don't know sir, when it was.
- Q: But you are sure he told you that he wrote it down himself? A: Yes sir.
- Q: About the birth and death both, he told you himself? A: Yes sir.
- Q: Told you he wrote in the bible about the birth and death both? A: Yes sir.
- Q: Didn't you state a minute ago, sick as you was you looked up and saw the calender and knew from that when that child was born? A: Yes sir, the calender was hanging on the wall and my bed was sitting right this way.

- Q: It wasn't an almanac on the wall, it was a regular calender? A: Yes sir/
Q: You are sure of that? A: Yes sir.
Q: How long had the calender been there? A: All of this year
Q: Do you know whether it was this year or last year's calender
A: It was this year's calender.
Q: How do you know that? A: I went to the store and got it.
Q: When did you go to the store and get it? A: In January
Q: It is hanging by your bed? A: Yes sir.
Q: Hanging right there now where a person could see it without getting up? A: Yes sir.
Q: Was it light enough for you to see ~~write~~ in that room without getting up to look at it? A: Yes sir, the window binds were all up and I could see through the glass door.
Q: The calender wasn't on the other side of the glass door was it? A: No sir, the calender was hanging on the wall near the bed.
Q: You couldn't reach it could you, about how many feet away was it? A: No sir.
Q: Was it as much as 10 feet away from you?
A: No sir, it wasn't that far It wasn't 10 feet but I don't know how far it was.
Q: Did your husband know it was there at the time your child was born? A: Yes sir.
Q: But he didn't put it up for you, did he? A: No sir.
Q: Did you call his attention to it? A: No sir.
Q: He was there when the child was born wasn't he?
A: Yes sir.
Q: How did you happen to look at the calender without calling his attention to it? A: I just turned over and looked at it.
Q: Why did you look at it? A: I wanted to know what date of the month it was.
Q: Otherwise you wouldn't have looked at the calender?
A: No sir, I don't suppose I would.

I, Julia C. Laval, being duly sworn, state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me
this 20 day of June, 1906.

H. H. Hains
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
NOVEMBER 19, 1906.

En. Nr 1089.

In the matter of the application for the enrollment of
Eva Fullbright, as a Creek Freedman.

APPEARANCES: JOHN G. LIEBER, appearing for E. L. Mett,
attorney for Creek Nation.

Irwin Bonevan, on behalf of Philips & Beazarth
appears for applicant.

ROBERT FULLBRIGHT, being first duly sworn by Edward Merrick
a Notary Public, testified as follows,

Questions by Commissioner:

- Q: What is your name? A: Bob Fullbright.
Q: Is your correct name Robert Fullbright?
A: Well they do all my writing as Robert, lots of people call
me Robert and some call me Bob.
Q: How old are you? A: I am going on 29 years old, I am 28
now, as far as I can recollect.
Q: What is your post-office address? A: Grayson.
Q: Are you a citizen of the Creek Nation? A: No sir.
Q: You are a colored man, a citizen of the United States?
A: Yes sir, I came from Texas, I reckon that is what you are
talking about.
Q: What is the name of your wife? A: Her name is Mary.
Q: Is she a citizen of the Creek Nation? A: Yes sir.
Q: Are you living with her at the present time? A: Yes sir.
Q: How many children have you had by Mary Fullbright?
A: Only one.
Q: What is the name of that child? A: Eva.
Q: Eva Fullbright? A: Yes sir.
Q: I will ask you if you understand the nature of an oath?
Do you know what it means to hold up your hand and swear
before a Notary--swear to tell the truth in a certain
proceeding? A: Yes sir, I think I do.
Q: For your information I will tell you, if when you swear to
tell the truth before the proper officer and if you should
swear to something that is not true--that you are liable
to punishment--penitentiary punishment, that is just told
you for your information. A: Yes sir.
Q: When were you married to Mary Fullbright? A: I was married
to her this last Christmas--on this day--
Christmas it will be two years ago.
Q: Did you get a license? A: Yes sir.

- I got them here at this town.
- Q: What is the name of child you have by her? A: Eva.
- Q: Is Eva living? A: No sir.
- Q: How many months or years old was Eva when she died?
(No answer)
- Q: Do you understand the question?
- A: Yes sir, I understand what you said but I was taken sick right afterwards and been sick ever since, right after she died---I wasn't well when she died but I was taken in bed right afterwards, and as far as I could recollect she was--- she wasn't a month old, now I couldn't recollect until I went back and asked the Doctor what time was it, and what time she died and he told me. I couldn't recollect you know at the time, what time she died. And from what the Doctor said, why it was 12 days, he said. The Doctor you know, knows. I wasn't there when she died.
- Q: Who was present when this child was born? A: Mrs/ Mackey,
- Q: What Mackey? A: I never did know what Mackey.

By Attorney for Applicant:

- Q: What was her first name? A: I don't know what her first name was.

Questions by Commissioner:

- Q: Mrs. Mackey---does she live near you? A: Well we have to go, to get around the house, I guess it is near a mile.
- Q: What is the name of the other person you started to mention that was there when the child was born? A: Mollie Hawkins.
- Q: Did she live right around there in that neighborhood?
- A: Well I guess they call it 2 or 3 miles out to where she lives, I don't know how far it is.
- Q: Who else was present when this child was born?
- A: Mrs. Scott.
- Q: Do you know her first name? A: They call her Vickey Scott.
- Q: Does she live in that neighborhood? A: Yes sir.
- Q: Near you? A: It is tolerably close.
- Q: Who else was present when that child was born?
- A: Well for my recollection, that is all I can recollect when the child was born. I wasn't in the same room, I was on the place.
- Q: You were on the same place? A: Yes sir, I was on the place.
- Q: Who was present when the child died? A: I couldn't tell you anything about that, I wasn't there myself, I wasn't there when it died.
- Q: Who buried the child? A: Well I helped bury it.
- Q: Did you bury it? A: I paid for the coffin and paid for the grave.
- Q: Who made the coffin? A: Ebbs.
- Q: Do you know his first name? A: No sir, I never knew nothing but Ebbs.
- Q: Where does he live? A: Near Chuppy's place.
- Q: Who else was present or attended the funeral when that child was buried? A: Well I couldn't call all the names.
- Q: Give me one or two? A: A fellow named McDean and a girl named Maggie and a fellow named Oliver howe, and about a dozen more, it was a pretty cold part of the year and I don't know what their names was, you see I can't recollect all their names, of course I know the folks.

- Q: When was that child born? A: It was born the 28th. day of February.
- Q: What year? A: This year, 1906.
- Q: How do you remember that date? A: Well you know that is what they put down on the book.
- Q: Who put it down? A: A Cousin of mine put it down when it was born.
- Q: What is the name of that cousin? A: Jim Fullbright.
- Q: Where does he live? A: I don't know where he does live now but he did live there, but I don't know where he lives now.
- Q: What sort of a book did he put it down in? A: In a little testament, I reckon you would call it, it was in a little bit of a small book.
- Q: Who did that testament belong to? A: It belonged to my wife.
- Q: Have you got that testament with you?
- A: Yes sir.
- Q: Let me see it? (Witness shows book)
- Q: Did he also put down the date of death?
- A: No sir, he put that down the next day after it was born, and when it died he didn't put it down.
- Q: Was he there on the day it was born? A: No sir he came there the next day after with a load of wood.
- Q: How did he come to make a note of it?
- A: I said he came after a load of wood and just stopped in there.
- Q: How did he come to put it in the book I asked you?
- A: She asked me to.
- Q: Can't she write? A: She can write a little bit.
- Q: You say this book belongs to your wife? A: Me and her both asked him to write it---yes sir, that is her book.
- Q: How did he know it was that date? A: Because we just told him. He lived only a half mile from us, just a little over a quarter of a mile up on the corner of the other section line.
- Q: What month is this? A: This month?---I disremember now, this month---I disremember now.
- Q: What is the date of the month? A: I don't know sir, I don't know what this date is, I can't read or write myself.
- Q: Did you tell your Cousin as to the day of the month that this child was born? A: No sir, I just told him it was born yesterday.
- Q: He just put it down himself, did he? A: Yes sir.
- Q: Are you sure of that? A: Yes sir, he put it down himself.

Witness presents and we offer in evidence a book, an edition of the new testament and on the next to the last page of which appears the following entry:

"Eva Fulbright was born Feb. 28, 1906"

Underneath the above entry appears the following:

"Mary Fulbright born Sept. 8, 1887".

- Q: Did you see him make this entry in this book?
- A: See him when he written it?---Yes I was there.
- Q: You saw him write that? A: Yes sir.

- Q: Did you ever have a calender in your house showing dates?
Do you know what I mean?
- A: You mean a paper hanging on the wall?
- Q: A calender showing the different dates and days and months of the year? A: Yes sir.
- Q: Did you have a calender in your house when that child was born?
- A: There was a book there, an almanac there. I just disremember whether it was a calender.
- Q: Well a calender or almanac either one showing dates--- do you swear there was one there when that child was born?
- A: I disremember whether it was a calender.
- Q: Well was there an almanac there showing the days and the dates of the year? A: There was an almanac but I disremember whether there was a calender, we have an almanac but I don't know if there was a Calender or not.
- Q: Either a calender or an Almanac showing the days and months of the year, did you have such a thing when that child was born? A: I think there was an almanac hanging on the wall but I don't know whether there was a calender or not. I was taken sick at the time and I have been sick ever since, and I can't recollect, as I told somebody before--- I can't recollect like it should be but I would get at it as near as I could. But I couldn't read and write you know.

Questions by Irvin Donovan, attorney for Applicant:

- Q: Who was this Mary Fullbright? A: That was my wife.
- Q: When was the date of her birth written down there?
- A: It was written down there at the same time.
- Q: He wrote the two at the same time, did he?
- A: Yes sir, she had that drawed off of another book of her mothers.
- Q: Did you have anywhere a record of the date of Eva's death?
- A: No sir.
- Q: How did you know when she died?
- A: Well I didn't find any at my house but I went and asked the Doctor---some of those fellows told me to see and find the fee, and I went and asked the Doctor, he held a note against me for the death and he looked it up and said it was the 10th. You know I was a month or something off from that---there was some distance away from that but the Doctor had it when it died.
- Q: What Doctor was that? A: A fellow named Dowden.
- Q: Did you have Doctor Smith in the case?
- A: No sir, I didn't have him in the case.
- Q: Does he know anything about the date of the child's death?
- A: He recollects when it was born. Yes sir, I suppose he recollects the death, I never talked with him about it He knows it was born, he had a little one the same time and it was only a few days difference. Mine was older than his.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: How old was the child when it died, Bob?

- A: Well they counted it up and they made it, they said it wasn't but 12 days.
- Q: Never mind what they say about it, I am asking you, how old that child was when it died?
- A: Well just for certain, I couldn't say myself you know I just got the time that the Doctor said from the date when they said it was born. You know I couldn't read it myself
- Q: In what month did it die? A: It died in February.
- Q: Died in February? A: Yes, they said it was February.
- Q: That it died? A: Yes sir.---No sir, not died in February did I understand you to say what month it was born in or did you say what month did it die? A: Yes, when did it die
- A: The Doctor said it was March.
- Q: What do you say about it? A: I disremember the month when it died.
- Q: Well how old was it when it died? A: The Doctor said it made it 12 days old.
- Q: You didn't go to the funeral, did you? A: Yes sir.
- Q: Did your wife go? A: No sir, she couldn't go, it was cold and she couldn't get out.
- Q: Do you know what day of the week the child died on?
- A: I think it died on Saturday, I think.
- Q: What day of the week was it buried on? A: The next day, it was Sunday I think.
- Q: What day was the child born on? A: It was born on Tuesday or Wednesday I disremember which---Tuesday or Wednesday I disremember which.
- Q: You are sure it was one or the other of these days are you?
- A: Yes, it was Tuesday or Wednesday but I don't recollect what day it was. When it was born---you say?
- Q: Yes sir? You say it was born on the 28th. of February?
- A: Yes sir, born on the 28th. day of February, yes sir.
- Q: Now did you say a while ago you took sick shortly after the child was born? A: Well I say I was sick when it was born but I was up a going, but I wasn't down.
- Q: Afterwards you got down in bed, did you? A: Yes sir. I got down in bed after it was buried.
- Q: After it was buried? A: Yes sir. I was taken down in bed after it was buried.
- Q: Then you were not in bed when it was buried?
- A: No sir, I was sick but I wasn't in bed when it was buried. I wasn't able to do any work for nearly a month before I took to the bed.
- Q: Now can you tell the Commissioner whether that child was a week or two weeks old or 3 weeks old when it died.
- A: No sir, I don't know, I don't know, I can't recollect the week but they said ---from that Doctor--the doctor said it was 12 days and I don't know how long it was.
- Q: You can't tell yourself whether it was a week or two weeks old or three weeks old can you?
- A: I don't know exactly how old it was only from the statement the Doctor told me.
- Q: Well now here--you were at the house wasn't you? When it died? I don't care whether you were there when it died or not, but you were there and saw that child---your own child when it was dead, didn't you? A: Yes sir.
- Q: Stayed there at the house all the time didn't you?
- A: Yes sir.
- Q: Now can't you tell whether it was a week or two weeks or three weeks old or what---don't tell me what anybody else said, I want to know what you say about it?
- A: Well now, I just can't recollect, but that would make it---

- let me see--it would be-- I don't know sir how old it would make it but I just can't recollect how old it was.
- Q: You don't know how many weeks that child lived or how many days it lived, so how do you know when it was born?
- A: Well they put it down on the book you know.
- Q: Will you swear that what they put down on the book is right?
- A: I don't know except that they told me they had it down that way.
- Q: You don't know one figure from another, do you? A: I can't read at all.
- Q: You say the child was born on Tuesday or Wednesday, do you?
- A: Yes, it was Tuesday or Wednesday, but I don't know which one of those days.
- Q: Now will you swear that child lived as much as a week?
- A: Well I will tell you---oh yes, it lived a week. It lived more than a week.
- Q: You swear that child lived more than a week? A: Yes sir, it lived more than that but I don't recollect how many days.
- Q: You swear that it lived more than a week? A: Oh yes.
- Q: You are right sure that child wasn't born dead, are you?
- A: No sir. There was too many folks seen it before it died, women and men around there saw it.
- Q: Well you don't even what month it was born in except what someone tells you do you? A: No sir, only what they said you know.
- Q: You don't know one month from another, do you?
- A: No sir, just to know myself, no sir.
- Q: You don't know what this month is, do you? A: No sir, I can't recollect what month it is.
- Q: You don't know what day of the month it is, do you?
- A: No sir, I don't know what day of the month it is.
- Q: You say your brother wrote that in the testament there?
- A: No sir, I said my cousin.
- Q: You say he wrote it the day after the child was born?
- A: Yes sir.
- Q: You say the child was buried on Sunday? A: Yes sir, I think it was on Sunday, yes sir.
- Q: How many Sunday's did the child live? A: I disremember how many Sundays it lived.
- Q: You testified in this case, before, didn't you?
- A: Yes sir.
- Q: When you testified before you said this child lived three months didn't you? A: I said as far as I could recollect, I didn't know at the time, you know. I told them at the time I was sick and my recollection wasn't good, but that was as far as I could recollect, and he told me to see if I could find anybody that would know more about it than I could tell and I went and asked the Doctor as I had the Doctor for the visit, I knewed he had it on his book and I asked him. To be straight, some of these men told me to go back and see if I could give a straight correction about it.
- Q: Now that was on the 18 of June of this year, wasn't it?
- A: I don't know when it was.
- Q: At the time you said the child had been dead a month, didn't you? A: Well I told them that I didn't know, I said I reckon all of a month, I said I didn't know what time it was, I told them then I couldn't recollect.

And he told me to go and see the Doctor to get some better understanding about it, and I wasn't there when the Doctor made the visit but I went and asked him and I told the Doctor then that there was a mistake in it.

Questions by Commissioner:

- Q: Is your cousin, the one who made that entry in that new testament, is he present? A: No sir he ain't here.
Q: Do you know what his post-office address is? A: No sir, I don't know where he is.
Q: What town did you live in before you came to the territory?
A: I lived in Paris, Texas.
Q: How long did you live in Paris Texas?
A: I don't know sir, I lived there a good while though.
Q: Were you born there? A: No sir, I wasn't born there.
Q: How old were you when you left there for the Territory?
A: I disremember how old I was but I have been here now--- oh, I don't know---about 3 years I reckon.
Q: Been here about 3 years? A: Yes sir, I expect so.
Q: Did you go to school in Paris, Texas? A: No sir, I didn't go to school.
Q: Where did you go to school? A: I haven't been to no school
Q: Never been to any school at all? A: No sir, I never been to no school.

This is all the evidence given in said cause on said date.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Subscribed and sworn to before
me this 21 day of November, 1906.

Julia C. Laval.
Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
NOVEMBER 20, 1906.

Cr.En. 1039.

In the matter of the application for the enrollment of
EVA FULLBRIGHT, deceased, as a Creek Freedman.

APPEARANCES: JOHN G. LIEBER, appearing for M. L. Mott,
attorney for Creek Nation.

Irwin Donovan, on behalf of Philips &
Beazarth appears for applicant.

VICTORIA SCOTT, being first duly sworn by Edward Herrick,
a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Victoria Scott.
Q: How old are you? A: 28 past.
Q: What is your post-office address? A: Grayson.
Q: Are you a citizen of the Creek Nation? A: Yes sir.
Q: Are you acquainted with one Robert Fullbright? A: Yes sir.
Q: Are you acquainted with one Mary Fullbright? A: Yes sir.
Q: Are they husband and wife? A: Yes sir, as far as I knew.
Q: How long have you lived near them? A: I was acquainted
with him 3 years and his wife about 10.
Q: About 10 years? A: Yes-sir.

Questions by John G. Lieber, acting attorney for Creek
Nation.

- Q: Did they have a child born to them sometime this year?
A: Yes sir.
Q: What is the name of the child? A: Eva Fullbright.
Q: Is it living or dead? A: Dead.
Q: Do you know when that child was born? A: Yes sir.
Q: When? A: The 6th. day of March.
Q: This year? A: Yes sir, 1906.
Q: How do you remember that the child was born on the 6th.
day of March? A: I set it down--taken the day.
Q: How did you happen to put down the date of the birth of
this child?

- A: Well I was there and I sot it down when I got back home.
- Q: Were you present when the child was born? A: Yes sir.
- Q: How did you happen to be there when the child was born?
- A: I was there in hollering distance and thought I would go down there to care for her.
- Q: You live right close to these people, do you? A: Yes sir.
- Q: About how far? A: I don't know exactly just how far but it is in hollering distance.
- Q: You are in sight of their house are you? A: Yes sir.
- Q: Are you related to Robert Fullbright or his wife Mary Fullbright? A: No sir.
- Q: Are you on friendly terms with them? A: No sir, not with his wife.
- Q: Are you on friendly terms with Robert? A: Yes sir.
- Q: How do you happen to appear here as a witness in this case today? A: I was subpoenaed by the Commissioners.
- Q: Did anyone representing the Commissioner have a talk with you before you were subpoenaed in this case?
- A: No sir, they did not.
- Q: Do you know what day of the week this child was born on?
- A: Yes sir.
- Q: What day? A: Wednesday.
- Q: How long did it live? A: Four days.
- Q: It died on what day of the month? A: On the 10th.
- Q: What day of the week was that, that it died on?
- A: The day of the week---Saturday.
- Q: Do you know when it was buried? A: It was buried on the 11th. Sunday morning---I won't say morning, but on Sunday.

Questions by Irwin Donovan, appearing on behalf of applicant

- Q: You have had quite a little falling out with Mary Fullbright, have you not? A: Yes sir, we had a little falling out.
- Q: Did you ever come to blows about it? A: Yes sir, well we talked today but we don't associate any more.
- Q: What was the cause of the trouble? A: Well it is nothing any more than foolishness as it occurred.
- Q: What was the cause of it? A: I borrowed a horse from her husband---the little falling out was when I borrowed a horse from her husband.
- Q: Are you married? A: No sir.
- Q: Do you live with any other man? A: No sir.
- Q: Have you been living with any man in the past 8, 9 or 10 months? A: No sir.
- Q: Did you ever live with Robert Fullbright's uncle? A: No sir.
- Q: Did you have improper relations with him?

Attorney for Creek Nation objects to the question because it is immaterial and irrelevant.

Mr. Irwin Donovan, attorney for applicant, states that he desires to impeach the character of the witness by showing what sort of a woman she is.

Attorney for Creek Nation states that "impeachment of the character of a witness does not impeach her truth or veracity."

By Irwin Donovan, appearing on behalf of applicants:

To show that a woman is a prostitute, does reflect on the truth and veracity of the witness.

Statement by Commissioner:

I don't think it is necessary to discuss that question, as we all know that the purpose of the Commission is to see whatever evidence is submitted and to hear the testimony that is offered and objections will be noted and be made to appear in the record.

Examination of witness continued by Mr. Irwin Donovan.

- Q: You have not been on very friendly terms with Mary since you had that fight with her, have you? A: No, I don't bother with her at all. I don't think I have any right to.

WILLIAM GUESS, being first duly sworn by Edward Merrick, a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: William Guess.
Q: What is your age? A: 34.
Q: What is your post-office address? A: Grayson, or Wild Cat.
Q: Which is it, Wild Cat or Grayson? A: They call it Grayson I believe the post-office is.
Q: Are you a citizen of the Creek Nation? A: No sir.
Q: You are a State man, are you? A: Yes sir.

Questions by J. G. Lieber, acting attorney for Creek Nation

- Q: Do you know Robert Fullbright and his wife Mary Fullbright?
A: Yes sir.
Q: How long have you known them? A: I have known Robert about 3 years and his wife about two.
Q: How close do you live to them? A: About a quarter.
Q: How long have you lived that close to them?
A: Oh, I have been living that close to them since I have known them.
Q: Are you any relation to either one of them? A: To Robert.
Q: What relation? A: I am his Uncle.
Q: Are you on friendly terms with them? A: No sir.
Q: You are not on friendly terms with them? Not with either one of them? A: No sir.
Q: Did they have a child born to them sometime this year?
A: Yes sir.
Q: What was the name of the child? A: I forget that baby's name, I heard its name called but I forget its name now.
Q: Was it a boy or girl? A: Girl.

- Q: Was its name Eva? A: Yes sir, I think it was.
Q: Is that child living or dead? A: It is dead.
Q: Do you know when it was born? A: No sir.
Q: Do you know what month it was born in? A: No sir, I don't.
Q: Do you know when it died? A: It died in March.
Q: Was it in March? A: The 10th.
Q: How do you remember that it was on the 10th. of March that the child died? A: Well the reason I remember it, was the 10th. I aimed to plant corn on the 12th. and Sunday was the 11th. and it was so cold and bad I didn't get to plant it, and the child died on Saturday.
Q: Did you attend the funeral? A: Yes sir.
Q: Do you know how long the child lived? A: No sir, I don't know exactly how long it lived, I don't know exactly how many days it lived.

Questions by Irwin Donovan, appearing on behalf of applicant

- Q: What is your name? A: William Guess is my name.
Q: Did that child live a month? A: No sir, it didn't live a month.
Q: Did it live three weeks? A: I don't think it lived that long.
Q: Did it live two weeks? A: I don't know exactly how long but I don't think it lived very many days.
Q: Did it live two weeks? A: I don't know exactly how long it did live.
Q: Did it live one week? A: I couldn't tell you and say the truth, I don't know how long it did live.
Q: All you know is that it died on the 10th? A: Yes sir, I don't know how many days it lived.

Questions by Commissioner:

- Q: Where was this child born? Was it born this last March?
A: I don't know sir, whether it was born in March or February, but it died in March.
Q: Do you say it was born this year? A: Yes sir, it was born this year.
Q: Do you live near these people? A: Yes sir.
Q: About how far? A: About a quarter, I adjoin farms with them.
Q: As a matter of fact have you ever heard as to how long this child lived? A: No sir, I haven't.
Q: Isn't it reasonable to suppose that you would remember whether that child had lived a week or three weeks or three or four days or a month, on one day after its birth?
A: Yes sir, I never heard anyone say and I never did pay any attention, but I know it didn't live long, but I don't know how many days.
Q: Are you on friendly terms with Robert and his wife?
A: Yes sir.
Q: Have you had any conversation with anybody about this matter since you were subpoenaed to come up here?
A: No sir.
Q: Did they purchase a coffin in which to bury this child?
A: They had one made I believe.
Q: Who made it do you know? A: I believe Mr. Bird made it, I think it was Mr. Bird.
Q: What is his full name? A: I don't know what his other name is besides Bird, he is a colored man.
Q: Does he live in that neighborhood?
A: Yes sir, he lives right there.

Q: Is he present here today? A: No sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

Q: Did you ever have any talk with some lawyers from Okmulgee about getting this child on the roll? A: Me--No sir, I never did speak to any.

Q: Well they did speak to somebody down there in your settlement about getting this child enrolled, didn't they?

A: Well they might have, I seen them passing the road, I seen them but they didn't say nothing to me.

Q: You heard about it, did you? A: Yes sir.

Q: Who told you about it? A: Well I heard Robert, he is one man who was telling me.

Q: Robert whom? A: Robert Fullbright.

Q: What did he tell you? A: I asked him what did them lawyers want and he said they wanted to get his baby on the roll, and they said they would put it on the roll for 40 acres of land.

Q: Who was present when Robert told you that? A: There wasn't anyone.

Q: Where was he when he told you that? A: We was in the field.

Q: Near whose house? A: Well the closest house was Victoria Scotts.

Q: What was the name of the lawyers that he spoke to?

A: Well he didn't call any names I believe but I think it was Mr-----, I don't know what his name is.

IRWIN DONOVAN, on behalf of the applicant states, that he will admit that Philips and Bozarth appearing for applicant, are attending to this case on a contingent fee.

Q: Did Robert tell you that those lawyers went down to see him or that he went up to see them?

A: Well he didn't say he ever went up to them.

Q: Did you see the lawyers down there in that settlement?

A: Yes sir.

Q: Do you know whether or not they made out any affidavits about the birth of this child down there in your settlement?

A: No sir.

Miriah Mackey, being first duly sworn by Edward Merrick, a Notary Public, testified as follows:

Questions by Commissioner:

Q: What is your name? A: Miriah Mackey.

Q: How old are you? A: I am going on 77.

Q: What is your post-office address? A: My post-office is at Wild Cat.

Q: Are you a citizen of the Creek Nation?

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A: No sir, I ain't a citizen of the Creek Nation, I am a citizen of the Chickasaw Nation.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Do you know Robert Fullbright and his wife Mary Fullbright?
A: Yes sir.
- Q: How long have you known them? A: I couldn't tell you now how long I have known them.
- Q: Several years? A: Yes sir, several years but I couldn't tell you how long.
- Q: How close do you live to them? A: I reckon about a mile.
- Q: How long have you lived that close to them? A: I have been living that close to them since I have been in the Creek Nation.
- Q: Several years? A: Yes after they came here and married.
- Q: Are you related to either one of them? A: No sir, no relation at all. Just old acquaintances.
- Q: Are you on friendly terms with them? A: Yes sir.
Do you mean if I got anything against them---No sir, I ain't got anything against them. ---You must talk plain to me I am neither book-learned or nothing.
- Q: Now did they have a child born to them sometime this year?
A: Yes sir.
- Q: What was it a boy or girl? A: Girl.
- Q: What did they name it? A: Well I don't know, I heard the name too but I can't think of it.
- Q: Is it Eva? A: That is it I believe, Eva.
- Q: Were you present when that child was born? A: Yes sir I was present.
- Q: Right there in the house? A: Yes sir, right there in the house.
- Q: Do you know when it was born? A: I don't know what day of the month it was born but I know what day it was.
- Q: What day was it, Aunty? A: Well it was born on Wednesday, but I don't know what day of the month.
- Q: Is the child living or dead? A: Dead.
- Q: How long did it live? A: It lived I think---I think it lived mighty nigh a week or about a week, I can't recollect I am short of recollection.
- Q: Were you present when it died? A: I was present when it died.
- Q: Do you know what day of the week it died on? A: It died on Saturday.
- Q: When was it buried? A: It was buried on Sunday.
- Q: Now you say it was born on Wednesday? A: On Wednesday.
- Q: Do you know what day of the month it died on?
A: No sir, I told you that I didn't know.
- Q: Do you know in what month it died? A: No sir, I don't know what month it died in.
- Q: How do you know that the child was born on Wednesday and died on Saturday? A: I said I didn't know whether it died the same week it was born on or the next week I couldn't recollect.
- Q: Were you at the house from the time the child was born until it died? A: No sir, I went home. You see I lived about a mile from them.

- Q: Well now Aunt, you can tell the Commissioner, can't you whether that child lived more than a week or less than a week? A: No sir, I can't tell you whether it lived more than a week or less than a week, I don't recollect, but I know it died on Saturday but I don't know whether it died that week it was born on or the next Saturday coming in, I know it was buried on Sunday and died on Saturday.
- Q: Well now how many days did it live? A: I don't know that either. A: I never kept the dates of the week it was born.
- Q: How long did you stay there at the house after the child was born? A: I went home that evening.
- Q: That was then Wednesday evening was it? A: Wednesday evening.
- Q: What time of the day was the child born, day or night? A: It was born in the day I think about 9 or 10 o'clock.
- Q: In the morning or evening? A: In the morning.
- Q: You went home that same day, did you? A: Yes sir.
- Q: Now what did you do after you got home? A: I don't know what I done.
- Q: What do you generally do of Sundays? A: I keep that day holy.
- Q: Do you go to church? A: Yes sir.
- Q: Now you say you were present when the child died---there at the house? A: Yes sir.
- Q: How long had you been there Aunt before the child died? A: I went there after breakfast.
- Q: When did the child die? A: It died to my recollection about 3 o'clock, I know it died in the evening.
- Q: After dinner, in the afternoon? A: Yes sir, in the afternoon.
- Q: Now you say you went home on Wednesday? A: Yes sir.
- Q: You were back there on Saturday? A: I went back there along in the week.
- Q: How often did you go back there? A: I went back there on Thursday, I went back the next day. The child was doing very well then.
- Q: Then you went back home the same day?
- A: Yes, I didn't stay all night any time.
- Q: Well how did you happen to go up there when the child was sick? A: Well I was just going up there you know, I didn't know the child was sick until I went there.
- Q: Well can't you remember now whether there was any Sunday between the time that child was born and the time it died?
- A: No sir I can't recollect if there was a Sunday or not, I know it was buried on Sunday.
- Q: Now you were there the day it was born? A: Yes sir, I was there when it was born.
- Q: You were there the day after it was born? A: Yes sir.
- Q: You were there the day it died? A: Yes sir.
- Q: How often did you go to see that child while it was living? A: I went there twice.
- Q: You mean after it was born? A: After it was born.
- Q: You went back the next day after it was born? A: I went back the next day.
- Q: It was getting along all right then? A: Yes sir, getting along all right.
- Q: You were there the day it died? A: Yes I was there the day it died.

- Q: Now Auntie how long was it from the time you went to see that child, the day after it was born until you were called back there and found it sick, the day that it died?
- A: Well sometime the next week, you see I didn't go back I went back on Thursday you know and I taken sick myself and I didn't go back until the next week. Along in the next week I went there and I went back there again on Saturday you know and seen it and it was sick when I went and it died that evening.
- Q: Now can you swear there was a Sunday between the birth of that child and the time it died? A: No sir, I can't swear that.
- Q: Can you swear there was not a Sunday between the time it was born? A: I don't remember I tell you, I don't remember about the Sundays.

Questions by Irwin Donovan, on behalf of Applicant.

- Q: Auntie the child was born on Wednesday you say and you went back on Thursday? A: Yes sir.
- Q: Now after that when did you take sick? A: Along in the next week and when I could be so I could I went and then it come wet weather.
- Q: Then you went up there again and the child was sick when you went there? A: Yes sir.
- Q: But you had been sick between the Thursday you say you went there and the time you went back? A: Yes sir.
- Q: Well how long had you been sick, do you remember?
- A: Two or three days.
- Q: Did you go back there as soon as you got well?
- A: As soon as it got dry and I could walk I went.
- Q: How many days did you wait until it got dry?
- A: I couldn't tell you---this country ain't like it is here, it don't get muddy so quick. As soon as I got out of bed and got able to go I went and the child was sick when I got there.

Questions by Commissioner:

- Q: Auntie did that child live 4 or 5 days or did it live 10 or 14 days? A: Well I don't know. I told you it was born on Wednesday and I couldn't recollect whether it lived ere Sunday---whether it died ere Sunday or not but it died on Saturday.
- Q: You say you went there on Wednesday? A: The child was born on Wednesday.
- Q: Then you went back there the next day? A: I went back on Thursday.
- Q: Then were you taken sick after you were there on Thursday?
- A: I went back home after Thursday I got sort a sick you know and poorly and my folks wouldn't let me go up there, they said it was to bad weather for me to go, while I was sick anyway and told me not to go until it got good weather.
- Q: Well do you remember Auntie whether you were sick one or two days or more than that?
- A: One or two days anyhow.
- Q: One or two days anyhow? A: Yes sir.
- Q: Was the baby sickly when it was born? A: Well I think it was. From the looks of it it was right yellow when it was born.

- Q: Did they call in a Doctor? A: Yes the Doctor came there about the time the baby died.
- Q: The doctor did? A: Yes sir.
- Q: Who was he? A: A new Doctor down there I can't think of the name.
- Q: You don't know the name of the Doctor? A: I know it if I hear anybody call it, it was a new Doctor that came in there. He has been there a year or so.
- Q: Was he a white man? A: Yes sir a white man.
- Q: Where does he practice? A: He practices all around there in Cat.
- Q: Wild Cat? A: Yes sir.
- Q: Did he call more than once before the child died?
- A: To my knowing once.
- Q: Did they have a Doctor when the child was born?
- A: I was the doctor.
- Q: You were the midwife? A: I waited on the woman.
- Q: When the child was born did it look as if it was strong enough to live? A: It did not.
- Q: It did not? A: Yes it was an awfully weakly looking child at first.
- Q: Did it grow any stronger or seem as if it would live?
- A: It didn't seem like it was growing any.
- Q: Did it seem as if it was growing stronger or weaker the second visit you made?
- A: Well I couldn't tell anything about that, it looked like the same thing to me.

Questions by John G. Licher, acting for Creek Nation.

- Q: You say you were sick just after the child was born?
- A: After I went home that evening.
- Q: Sick in bed Aunty? A: No sir, I wasn't sick in bed.
- Q: Able to get around were you? A: Yes, I was able to get around but not able to go up there, you know. I was kind a puny and being old and my children wouldn't let me go out in the weather, it was damp and rainy weather.
- Q: Did you act as midwife at the birth of this child?
- A: I did.
- Q: Did they send for you to act as midwife? A: Yes sir.
- Q: Do you do a great deal of work of this kind? A: Yes sir.
- Q: How often do you visit a child after it is born until you turn the case over? A: As soon as the month is up.
- Q: Well do you go to see them every day? A: Every day when I am close by them and if I don't go every day I go every two days. It is according to how the woman is.
- Q: This baby you say was not doing well? A: It wasn't doing well when it was first born.
- Q: It didn't look like a healthy child, did it?
- A: It wasn't a healthy child.
- Q: In fact its health was such that you thought it was necessary to go back the next day and see it? A: Yes sir.
- Q: And you did so? A: Yes sir.
- Q: You say you were sick? A: Yes sir.
- Q: And was sick a day or two? A: Yes but I wasn't in bed you know.
- Q: Well Aunty you didn't stay away from this child as much as a week did you? A: No sir, but I went back the next week as soon as I could go.
- Q: Well you only went to see the child twice after it was born?
- A: Yes sir.
- Q: That is right, isn't it? A: Yes sir.

- Q: Well now you were there on Thursday?
 A: Yes sir, I was there on Thursday.
 Q: You were taken sick and was sick for two days, then if you had stayed away until the two days would have been up, and even if you didn't go back there until the day the child died, then a whole week must have passed before you went back to see that child, is you were there a second time?
 A: I went back the next week.
 Q: Did you go back to see the child the next week? A: Yes, I went back the next week.
 Q: Did you go back to see the child the next week or to see its mother? A: I went back to see the child and its mother too---gives me time to study, I can't remember well I have got old and can't remember things, I recollect I went back the next week in the week, I don't remember now whether I went back the next week before the child died on Saturday or went back in the week. After I got up, I went back in the week, that is it.
 Q: In the same week? A: In the same week after I got up, but recollect I don't know what day, but I went back and I went back on Saturday----do you understand it?

Questions by Commissioner:

- Q: Was that the same week the child was born that you went back to see it? A: The child was born on Wednesday and I went back on Thursday and after I went home I taken sort a sick and it commenced rainy weather, you know and my children wouldn't let me go back, and after I got well I said I would have to go back and see the child and I went back in that next week---sometime in that next week and I went back again on Saturday---do you understand me now?
 Q: You say the child was sickly? A: Yes, it was sickly it was right yellow when it was born. Some said it was the yellow jaundice.
 Q: Do you think that child lived as much as 10 days?
 A: I don't know because I never kept no account.
 Q: Well what is your impression of the matter, Aunt, whether the child lived for 4 days or ten days?
 A: You know it didn't live 4 days---It was born on Wednesday and I went back on Thursday and the child was living then and along in that week I took sick---Friday or Saturday I took sort a sick and I didn't go back until the next week and then I went back again on Saturday---do you understand me?
 Q: Yes. A: That is as good as I can recollect, I am going by my recollection.
 Q: After that child was born, did you see anybody make any record or write down the date of birth?
 A: No sir, I didn't. You see I didn't stay there long enough. As soon as the child was born and I got through and cleaned up I went home.
 Q: Aunt have you had any talk with anybody before coming here to testify, and did anybody tell you as to how long this child lived or refresh your memory about it?
 A: Did anybody ask me how long it lived?----
 Q: Yes, did anybody--the father of the child or the mother of the child or did anybody else talk to you about it before you came up here to testify?
 A: No sir they never talked to me about it and I never talked to none of them.

- Q: You are sure of that are you Auntie? A: I came on up here with them you know. I told them, they didn't talk with me I met this man on Sunday and I told him I had to go up here to this town, they had subpoenaed me to come up there on account of that child--well, he said I have to go up there on Monday and he said I will carry you and pay your way up there. My daughter said, well you have to pay her way if she goes, and he told me to come and go with him and his wife Monday and he would pay my way.
- Q: What else did he tell you?
- A: He didn't tell me nothing and I never asked him nothing.
- Q: Didn't you have a talk with him about what you were coming up here to testify to?
- A: Talk about it---I talked to my children.
- Q: What did they tell you about it? A: They told me to come on. To come on and see. My daughter said to me, you all the time talk about wanting to go up to Muskogee, she said now you have got a chance to go and you can go with Bob and them, they can carry you.
- Q: Did you have a talk with your children or with Bob in regard to how long the child lived and about the death of the child?
- Q: No, I didn't, because I thought they knew more than I did, I thought they was old enough to know more than I did.
- Q: Did you hear them talking about how long the child lived?
- A: No sir, they might have talked to themselves but they didn't talk to me.
- Q: You never heard them talking? A: No because I wasn't with them, you know.
- Q: Did you hear the father of the child talk about it as he brought you up here? A: No sir.
- Q: You are sure he never talked about it at all, Auntie?
- A: He never talked to me about it at all, I don't know what he talked to his wife, but he never talked to me. He never told me nothing-- he knowed I had to come up here and he said he would bring me up here.
- The children said something about that child--they said Mammy, I am bound you----I said I don't know, maybe it is. You see I didn't never think nothing about that when they subpoenaed me---nobody had said anything about Bob's child but the man that brought the subpoena. That man that brought the subpoena to me that was Tom Smith who subpoenaed me and Vickey Scott, and so I didn't know nothing about it, I forgot the subpoena. He subpoenaed me on Saturday, but I forgot that.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Auntie do you understand the nature of an oath?
- A: No, on the oath of what?
- Q: Do you understand what it means to hold up your hand before an officer and swear to tell the truth, the whole truth and nothing but the truth?
- A: Yes, I have been sworn so much, I know what that is.
- Q: Do you know what the penalty is if after having sworn to tell the truth you swear falsely, do you know what the penalty is? A: No sir.
- Q: You know if anyone swears falsely after having been sworn to tell the truth, they are liable to imprisonment in the penitentiary, don't you? A: I heard something like that, I am an old ignorant fool you know, I never been in any such

- trouble as that and I don't know nothing about it.
- Q: You understand it now, don't you? A: Yes sir.
- Q: Now you say you were subpoenaed to appear here as a witness?
- A: Yes sir.
- Q: Did you ever see this gentleman, right side of me---Mr. Stittum? A: I don't recollect.
- Q: Wasn't he at your house or where you were staying?
- A: Sometime last week?
- Q: Was this gentleman down there asking about the child?
- A: Yes sir.
- Q: Now he had a talk with you about this child, when it was born and how long it lived, didn't he? A: Yes sir.
- Q: What did you tell him? A: Do I recollect---he recollects better than I do, because you know it was Friday---I recollect that. He asked me if I was the one who waited on that woman and I said yes. He said what day was it born on, and I told him Wednesday. Well as I told you all I told you I thought it died on Saturday.
- Q: And he asked you how long it lived, didn't he? A: Yes sir I told him it died on Saturday.
- Q: Now he also asked you how many days that child lived, didn't he? A: Yes sir. If he asked me how many days the child lived I forget it because that day I wasn't thinking about that or nothing.
- Q: Didn't you tell him there at that time that that child didn't live a week? A: Yes I think I did---didn't I?
- Q: Now then if you told him at that time that that child didn't live a week, why do you come here before the Commissioner and testify to facts which show that the child lived 10 days? A: Lived 10 days?
- Q: Yes---A: Well now I don't know that it was 10 days. Well now I told him it died on Saturday.
- Q: Yes and you told him that the child didn't live a week, didn't you? A: May be I did, if I did I forget it.
- Q: Well now then after having been subpoenaed as a witness in this case, you came up here with the father and mother of this child, didn't you? A: Yes sir.
- Q: You were subpoenaed up here today were you not? A: Yes sir.
- Q: You came up here with them yesterday, didn't you?
- A: Yes sir.
- Q: Now you have had a talk with them about how long this child lived, since you have come here to Muskogee, haven't you?
- A: No sir, I never had any talk with them. I know what I came for, I knowed I come about that child, but I never had any talk with them about it, because I knowed it was something about it, but I didn't know it was about the death of the child.
- Q: Where did you stay last night, Auntie? Did you stay in the same hotel with Robert and his wife? A: Yes sir.
- Q: Did you stay in the same room with them? A: Yes sir.
- Q: When you came up here they offered to pay your way, didn't they? A: Yes sir, they paid my way.
- Q: Now then referring back to your former testimony, you stated that you visited that child only twice after it was born? A: Yes sir, I did say so but my memory is coming back to me, I had forgot that I had ever been up there the next day.
- Q: Well Auntie, you had been up there to see that mother, sometime after the child died, hadn't you? A: Yes sir.
- Q: She was sick and you went up there sometime after the child died to see the mother, didn't you? A: Yes sir.
- Q: Now then you stated in your examination that it was your practice to go to see a child every day or every other day,

- at least or every two days at least until it gets along all right? A: Yes sir.
- Q: In fact, for a month, don't you? A: For the mother.
- Q: You went to see this child when it was born on Wednesday?
- A: Yes sir, it wasn't getting along well. It didn't look well to me.
- Q: You went back the next day? A: Yes sir.
- Q: Then you say you took sick and was sick a couple of days?
- A: Yes sir.
- Q: Were you sick more than two days? A: No sir, I don't think it was over 2 days.
- Q: Wasn't sick enough to be in bed, were you? A: No sir.
- Q: Now then, if you had been well enough on Saturday to go back and see that child, don't you think you would have gone, and not wait a whole week? A: Yes, I would, I never wait a whole week---you see I was poorly myself.
- Q: According to your testimony you were not sick after Saturday and still from your testimony you did not go back to see that child until a week after you were able to go and see it again? A: No sir, I went back and saw it the next week.
- Q: Well you testified that you never went back there from Thursday until the day it died, that is a fact, isn't it?
- (Objection by Irwin Donovan, attorney representing Applicant on the ground that Attorney for Creek Nation is misquoting the testimony given by witness.)
- A: I went back the next week, you see I was poorly and it was such bad, wet weather and I didn't go back until along in the next week and on Saturday I went back again and the child was sick.
- Q: Now isn't it a fact, Auntie, that when you went back to that house the next week, that that child wasn't living and that you went back to see the mother? A: Yes sir, after that. After that. After the child was buried I went back to see the mother, understand me now what I say, and don't put me in the pen for nothing. I went back the next week after the child was buried---the child was buried on Sunday and I went back the next week to see the mother, and the mother was getting along very well.
- Q: Don't you know Auntie, there never was any Sunday between the time that that child was born and the time it died?
- A: Yes, I do. Certainly I do.
- Q: Well was there a Sunday or not between the time it was born and between the time it died? A: Well I know the child was born on Wednesday---but now on Sunday, I don't remember I don't remember that there was any Sunday.
- Q: Don't you know Auntie, that that child never lived to see a Sunday? A: Didn't it?
- Q: Don't you know it never lived to see a Sunday?
- A: May be it didn't if you all say so, I will say what you all say. If you all say it didn't live a Sunday I will say so too.
- Q: I am asking you Auntie what you know about it? A: I told you you it died on Saturday.
- Q: Don't you know that child was born on Wednesday and it died the following Saturday of the same week it was born, don't you know that Auntie? A: Well I give it over to you all, you all know more about it than I do.

- Q: Didn't you tell Mr. Stittum here the other day when he was talking to you about this case that that child died the same week when it was born?
- A: Yes, I think I did. Yes, to come to my remembrance now, I think I did tell him that.
- Q: Was that before you were brought up here to Muskogee by the father and mother of this child? A: Yes sir, it was. That was on Friday---and on Saturday, Mr. what you may call him-- brought his subpoena, but I didn't have any dealings in none of it. If you say it was on Saturday, I will give it over to you.
- Q: We are wanting you to testify to what you know about this case and not what anybody has told you?
- A: Nobody has told me nothing.
- Q: Tell the Commissioner whether or not that child was born and died during the same week.
- Q: Well it was born on Wednesday I know and as you all say it died on Saturday---I know it died on Saturday but you see my memory stops, whether it was born that week or not, I know it was buried on Sunday.
- Q: Don't you know it was living a single Sunday.
- A: A single Sunday, I don't know.
- Q: Will you swear that the child ever lived to see a single Sunday? A: No sir, I won't swear that.

Questions by Irwin Donovan, on behalf of Applicant.

- Q: The child was born on Wednesday?
- A: It was born on Wednesday.
- Q: You went there the following day, on Thursday? A: Yes sir.
- Q: Now when did you go again? A: Well, I don't remember, I went there on Saturday---now it might have been Saturday after I got up you know and went down there and the child was sick.
- Q: After you went there on Thursday, you went again? A: Yes sir.
- Q: Was the child living that day? A: Yes sir.
- Q: Did it die that day, or did you go another time?
- A: When I went there on Saturday the child was sick but how long it lived, I don't know because I can't recollect, I went there on Saturday I know and the child was sick then.
- Q: And it died that day? A: It died that evening.
- Q: You went there on Wednesday and it was born on that day?
- A: Yes sir.
- Q: You called there on Thursday to see it? A: Yes sir.
- Q: Did you go again when the child was living?
- A: No sir, I didn't go that day because I was sick I told you.
- Q: Now when did you go again? A: Well after I got up I went over there.
- Q: And was the child living or dead? A: It was sick when I got there.
- Q: Then did you go again? A: No sir, I don't recollect of going any more. I thought the child lived a week, I thought the child lived a week.
- Q: That is what we want to find out, you are the person that knows most about it, you must not pay any attention to what anybody else tells you we want to know what you have to say, yourself. A: Well I think it lived a week but that gentleman said I told him it didn't live a week.
- Q: That don't make any difference, we want the truth about it, how long did it live? A: Well I was in another woman's

- house and I might have told him the child didn't live a week, that it died within a week. I think the child lived a week and died the next Saturday.
- Q: I don't mean to state that as a fact, he don't know anything about it except what he hears---he is just asking you that question--don't let the questions that he has asked you, confuse you---just tell your own story, how long you think it lived?
- A: How long do I think it lived---let me see, it was Wednesday--Thursday, Friday--Saturday---
- Q: Now that is one Saturday, did it die that Saturday or did it live until the next Saturday?
- A: It must have died that Saturday because I was there on Saturday and it was buried on Sunday, that is as near as I can get it, it may have lived a week, but you see it died on Saturday. It died on Saturday. I will have it that it died on Saturday. If it lived a week it died on Saturday.
- Q: It might have lived more than a week couldn't it?
- A: You see it died on Saturday, I may not have went there on Sunday, do you see?
- Q: Did you go in the middle of the next week? A: I remember of going in the middle of the next week.
- Q: Was the child living then? A: Yes, it was living then and doing tolerably well, and then it died on Saturday.
- A: Yes but it never did look well to me, it looked sickly that is as near as I can get at it.

Questions by Commissioner:

- Q: Aunty, I will make four marks on this paper, the child was born on Wednesday, that is one mark---you went to see the child on Thursday, that is another mark--
- A: Oh, I can count.
- Q: I am just trying to get it. Then comes Friday that is a third mark, then comes Saturday, that is another mark, now did the child die on this Saturday or did it live 1, 2, 3, 4, 5, 6, 7, days Aunty? A: I don't know, I couldn't tell you that, it may have lived a week and it may not.
- Q: You said you were sick? A: I was sick.
- Q: Were you sick two days? A: Two days.
- Q: Were you sick in bed those two days? A: I wasn't sick in bed.
- Q: Then if you were sick two days, did you go the next day to see the child? A: No, I didn't.
- Q: Did you go the next day after you were well?
- A: The next day after I got up---well I went there on Saturday.
- Q: You went there on Saturday---was the child sick on the Saturday immediately following your getting up? A: Yes sir.
- Q: Did it die that Saturday afternoon? A: No, I don't think it did. The child wasn't sick when I first went there you know, and the Saturday I went there the child was sick, you see I got up on Friday and said I was puny and the next Saturday I went up there and I went up there in the middle of the week, do you understand it?
- Q: Well was the child sick on the first Saturday you went to see it? A: It was sick after I got up. Well yes, the first Saturday after I got up I was sick two or three days do you understand me---I didn't go until I got well so my children let me go---until they said Mammy you can go, you are better, it ain't bad weather, it ain't bad weather now and I went up there along on Saturday, they were going up there fishing, Mr. Pullbright and my daughter was going up there, and I think some of them sent for me---didn't they Brother Bob---

- Q: You don't need to ask him that.
- A: I think they sent for me, now I have got it straight. Well of course I went up there and they sent for me Saturday my children were going fishing and went through there and I said, well, I will go with you. The child wasn't sick then, and so they went up there and my sister or somebody said here comes Grandma now, and the child wasn't sick then and I went back home and the next morning someone came for me and told me that Mrs. Fulbright or some of them wanted me to come up there, that the child was sick and the child was sick when I went.
- Q: Do you remember whether that child was sick one day or eight days? A: I don't know whether that child was sick 8 days or not.
- Q: Did you wait upon that child for 8 days while it was sick?
- A: It didn't appear to be sick to me, it appeared to be puny but it didn't look to me to be sick---8 days, no, the child was puny, it didn't look well from the time it was born you know. The baby had the yellow jaundice you know.

Questions by Irwin Donovan, attorney for applicant.

- Q: Did the man who subpoenaed you say anything about your expenses up here? A: No sir.
- Q: Did he tell you who would pay them? A: No sir.
- Q: Did he tell you how to get up here? A: No sir, he didn't tell me that, how to get up here. I said how is I going to get there and he said you have got to go there somehow, someone will carry you.

Attorney for Applicant, Irwin Donovan, desire the record to show that the witness was subpoenaed by the Creek Nation.

(Mr. Lieber, on behalf of the Creek Nation, says; the Creek Nation admits that this witness was subpoenaed by it and states that the subpoena shows on its face that her expenses would be paid by the Creek Nation)

Questions by Irwin Donovan, attorney for Applicant.

- Q: Aunty, are you able to read or write? A: No sir/ that is the reason I am so awfully bothered I can't read or write.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: You only went to see that child one Saturday, didn't you Aunty? A: I went one Saturday evening, when I went there I went there on Friday, do you recollect, I went there on Friday morning and I went back there, they sent for me Saturday, the child was sick and I went.
- Q: Did it die the same day? A: It died the same day at 3 o'clock.

Robert Fullbright being first duly sworn by Edward Merrick
a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Robert Fullbright.
Q: How old are you Robert? A: I am 28 past, going on 29.
Q: Are you the identical Robert Fullbright who appeared before
the Commissioner yesterday and testified in the matter of
the application for the enrollment of Eva Fullbright?
A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek
Nation.

- Q: You also testified in this case on the 18th. day of June,
did you not? A: I don't know what time it was, it was
sometime this year.
Q: At that time, you were asked this question, "How old was
the child when it died?" You answered, "The child was
somewheres about 3 months old I think, as near as I can
remember. About 3 months old as near as I can remember."
Q: "You are not very positive about that, you say it was
somewheres near 3 months?" A: "Yes, I don't know whether
it was over or under that."
A: I told them I was sick and couldn't recollect.
Q: How long do you say now that that child lived?
A: Well this man told me to go back and get some better state-
ment.
Q: How long did that child live---answer my question---how
long do you say now that that child lived? A: To my
remembrance I don't know how long it lived and I only went
back and seen the doctor and that is the only thing I can
tell you.
Q: Don't you know when you testified before this Commissioner
sometime in June that you said that child lived somewhere
near three months---and that you knew at that time you were
testifying to a falsehood?

Objection to the question by Attorney for applicant.

- A: I told them I was sick and didn't know.
Q: Didn't you know then, and don't you know now that that
child didn't live a single month?
A: No sir, I told them I didn't know how long it lived because
I was sick.
Q: Then why did you tell this Commissioner in June that this
child lived somewhere's near 3 months?
A: I told them as they told me---I didn't know.
Q: You were there at the house from the time the child was
born until it died? A: No sir, I wasn't there when it
died.
Q: You mean you were not there the minute it died, you were
at the house the same day it died, wasn't you?
A: I left there that morning.
Q: You got in that night? A: Yes sir.
Q: When you got there the child was dead? A: Yes sir.
Q: You were there at that house every day from the time that
child was born until it died? A: Yes I stayed there at
night.
Q: Yet you know, don't you that the child didn't live more
than a week. Isn't that a fact that that child didn't

live more than a week? A: Oh yes, it lived over a week. Because I can recollect there was a Sunday past.

- Q: You swear before this Commissioner, do you, that there was a Sunday between the date of the birth of that child and the date of its death, do you? A: Yes sir.

Questions by Commissioner:

I would like to ask a question of the witness; Do you understand the nature of an oath---do you know what it means to stand up before a proper officer and swear to tell the truth? A: Yes sir.

- Q: You do understand it. --Do you understand or know what the penalty is for false swearing---for telling an untruth?
A: I will tell you what they told me it is.
Q: A person who falsely swears to a material point is liable to a penitentiary punishment.

Questions by John G. Lieber, acting for Creek Nation.

- Q: You swear do you, that there was a Sunday between the date of the birth of that child and the date of its death?
A: Well there was a Sunday.
Q: You swear, do you then, that the child lived more than a week? A: Yes, it lived more than a week, it passed more than a week. It was born during the week and it lived on past that week and went on into another week.
Q: But it didn't live two weeks did it? A: No sir, I don't recollect that it lived two weeks.
Q: Now don't you know that it didn't live two weeks?
A: No sir, it didn't live two weeks, I don't think.
Q: You know that, don't you? A: I don't recollect of but one Sunday passing.
Q: Yet, you came here before this Commissioner last June ~~am~~ when you knew that that child didn't live two weeks and testified that it lived somewhere near three months, didn't you? A: You know I told you, I told them I didn't know how many days there was in a month.
Q: You said it did live three months, didn't you?
A: As far as I could recollect I said that---I told them I couldn't recollect how it was. I couldn't recollect anything else because I was taking so much medicine. Then I was under the Doctor when I was here.
Q: I show you an affidavit which is an application for the enrollment of your child Eva Pullbright filed before the Commissioner on the 24th. day of July 1906, did you ever see that paper? A: Well I don't know sir, whether I ever saw that paper or not.
Q: That is your wife's signature, isn't it? A: I don't know nothing about it, I can't read I told you, I don't know her writing.
Q: Didn't some fellows come to your house and make out an affidavit about the birth of this child?
A: Yes, there was a man down there.
Q: What was his name? A: I don't know sir, I never seed the man before or since that I knew of.
Q: Well there were two different people that made affidavits about the birth of this child, were there not? A: Yes sir. One was an old gray headed fellow, a heavy set fellow, that is the one who came to the house and made that out, he was a gray headed fellow.
Q: Where was the other one made out? A: At Okmulgee.

- Q: How did you happen to make out another affidavit about the birth of this child after you had already made one out?
- A: My wife said someone sent her a letter and she couldn't understand the letter and I told her I wasn't able to see about it and I wasn't capable of seeing about it but she had better take it to somebody else. And that is how it come. She said she couldn't understand the letter, I don't know whether I have got the letter in my pocket or not---no, it is in my light coat pocket I guess---anyhow she got a letter from here at Muskogee she said and she couldn't understand what it meant---she couldn't read enough to understand it herself and I told her I didn't know, and I said all I know you have to take it to someone that knows more about it than we say and that is how come it to go the other way.
- Q: Well whom did she go to? A: Mr. Philips.
- Q: Did you go with her? A: Yes, I went with her. After I told her I couldn't understand it and she said she couldn't understand what it meant.
- Q: Well then when you went there you made out this second affidavit, didn't you? A: I don't know whether it was the second one or the first one, but she gave them the letter and they said that was just about the child and he told her he would see to it for her if she wanted it. I was sick and I told them that I wasn't able to see about it, I said I didn't think I would live until I got through with it. My brother was there making my crop for me then. I told them folks when I was here before that I was sick and not able to see to it at that time.

Questions by Commissioner:

- Q: How many days in a week? A: There is 5 or 6 or 7, I disremember which.
- Q: How many days in a month? A: I don't know sir how many days in a month.
- Q: How many weeks in a month? A: I don't know sir.
- Q: How many months in a year? A: I don't know there is 10 or 11, I don't know sir.
- Q: You don't know how many ft. 18? A: I don't know how many it is.

Mary Fullbright, being first duly sworn by Edward Merrick, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Mary Fullbright.
- A: How old are you? A: 19 years old.
- Q: What is your post-office address? A: Grayson.
- Q: Are you a citizen of the Creek Nation? A: Yes sir.
- Q: Received your allotment as such? A: Yes sir.
- Q: Are you married? A: Yes sir.
- Q: What is the name of your husband? A: Robert Fullbright.
- Q: Have you any children? A: No sir.

- Q: Have you had any children? A: Yes sir.
 Q: What was the name of the child? A: Eva Pullbright.
 Q: You previously appeared before the Commission and made application for the enrollment of this child as a Creek Freedman, did you? A: Yes sir.
 Q: You have also made affidavit as to the date of the birth of this child, have you? A: Yes sir.
 Q: Do you understand the nature of an oath?
 Do you know what it means to hold up your hand and swear to tell the truth before the proper officer? Do you understand that? A: No sir.
 Q: When you hold up your hand and swear before a proper officer to tell the truth, the whole truth and nothing but the truth, then if you should swear falsely or tell an untruth you would be liable to a punishment, be liable to be sent to the penitentiary, if you testify falsely on a material point. Now do you understand me? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: How old was that child when it died, Mary? A: 11 days old.
 Q: You are sure of that now, are you? A: Yes sir.
 Q: You testified in your former testimony in this case that the child was born on Tuesday, didn't you?
 A: I said Tuesday or Wednesday but I found out it was Wednesday.
 Q: You also testified that the child died on Sunday, didn't you? A: No sir, I said Saturday.
 Q: That it was buried on Sunday? A: Yes sir, that is what I said.
 Q: Did you attend the funeral? A: No sir.
 Q: Why didn't you? A: I wasn't well enough to go.
 Q: Sick in bed were you? A: No sir, I wasn't in bed. The Doctor said I wasn't able to go.
 Q: Do you swear before this Commissioner that your child Eva Pullbright did not die during the same week that it was born? A: No sir, it didn't.
 Q: You swear that it didn't do you? A: Yes sir.
 Q: You swear that that child was born on Wednesday and lived until Saturday of the next week, do you? A: Yes sir.
 Q: You are certain that the child didn't live longer than 11 days are you? A: No sir, it didn't live any longer.
 Q: If the child didn't live any longer than 11 days then please explain why it was that you came before the Commissioner here on the 18th. day of June 1906 and testify as follows:
 "Q: How old was this child when it died?"
 A: Three months old.
 Q: Are you sure of that? A: It was two months and two weeks old I think, pretty near three.

Now explain why you gave that testimony if the child only lived 11 days. A: It was all a mistake. They cross-

- questioned me so until I couldn't think of what I was saying
 Q: You knew at that time that that child didn't live but 11 days, didn't you? A: Well I wasn't thinking, they cross-questioned me and asked me so many questions that I couldn't tell right then.
 Q: At that time you were asked this question:
 Q: How old was it? Your answer was "It was two months and two weeks old."

Now explain why you gave that answer? If the child was not but 11 days old when it died?

- A: It was a mistake and I didn't know exactly. Of course when I went back home I found out. I don't want to tell something that isn't so.
- Q: A man by the name of L. W. Need came to your house and had you make out an affidavit about the birth of this child, didn't he? A: I don't know what his name was, he didn't tell me his name.
- Q: When do you say that this child was born? A: February 28.
- Q: February 28, and died when? A: March 10.
- Q: The affidavit which I have just referred to as having been made by L. W. Need was made on the 18th. day of May 1906. In your former testimony in this case, you were asked this question:
- Q: "How long had the child been dead when he came to your house?"
- A: "Well I don't know sir".
- Q: "You don't know how long it had been dead"? A: "No sir".
- Q: "Had it been a week"? A: "It had been over a week".
- Q: "Was it two weeks"? A: "No sir".
- Q: "How much over a week"? A: "I don't know how much over a week but it was over a week."
- Q: "Was it a week and a half? A: "Yes sir, I guess about that".

- If the child died only a week and a half before the 18th. day of May, 1906, then why do you say now that it was born on the 28th. day of February and lived only 11 days?
- A: I don't know how many days it was before that affidavit was made. They asked me things I do know and things I don't know. I don't know.
- Q: Don't you know as a matter of fact that this child never lived a week? A: Yes sir, it did.

Questions by Irwin Donovan, attorney for Applicant.

- Q: Mary do you remember an old lady Miriah Mackey coming to your house after the child was born? A: Yes sir.
- Q: How often did she come, do you know? A: She came the day it was born on Wednesday and she came on Friday.
- Q: Did she come the day after it was born or not? A: Yes sir.
- Q: Then how long before she came again? A: It was a day I think, she said she was sick.
- Q: She said she was sick? A: Yes sir.
- Q: And when did she come the last time? A: On Saturday.
- Q: Was that the Saturday that the child died? A: Well she came the Saturday before the child died and the same Saturday that the child died.
- Q: Mary do you remember whether or not the child was living on any Sunday? A: Yes sir.
- Q: Was it? A: Yes sir.
- Q: How long did the child live? A: 11 days.

Questions by Commissioner:

- Q: In your previous testimony in this case you stated that there was a record made of the date of the birth and death of this child, and that that record was made by your husband, is that correct? A: No sir. Well how I come to say this if I was to get somebody to write me a letter and they was to ask me about it I would say I wrote it and that is how I come to say that because he can't write at all.

- Q: Can you write and read? A: I can read and write just a little bit.
- Q: How do you account for the fact that when you came here to testify on June 18, 1906 you said that this child was about three months old and you now testify that it lived only 11 days.
- A: Well I said they cross-questioned me so much until I didn't know.
- Q: It was a plain question we were asking you and it was asked you in various forms as to how long that child lived, you said it lived about 3 months---when asked again you said it was about two months and a couple of weeks, you come here today and state that it lived only 11 days. How do you happen to change your testimony at this time?
- A: Well I found it was all a mistake and I wanted to correct it.
- Q: Do you know the difference between three months and two weeks? A: No sir, I don't.
- Q: You don't. ---Do you understand the nature of an oath?
- A: No sir.
- Q: Do you understand that you are under oath to tell the truth?
- A: Yes sir.
- Q: Do you understand the difference between three months and two weeks? A: No sir.
- Q: Do you know whether three months is more than two weeks?
- A: Yes sir, I know three months is more than two weeks.
- Q: Do you know how many weeks are in an average month?
- A: No sir.
- Q: Do you know how many days there are in a week?
- A: I think there are 7, I don't know.
- Q: Do you know how many months there are in a year? A: 12.

This is all the evidence given in said cause on said date.

I, Julia C. Laval, on my oath state that the above and for egoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before
me this 26, day of November, 1906.

Edward Merriem
Notary Public.

Mother's roll # F. 5026

NEW BORN 286 IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 26, 1906.

Eva Fulbright

as a citizen of

Creek Nation.

Approved..... 190...

Commissioner.

NEW BORN CREEK FREEDMEN.

June 18-06

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 23, 1906.

IN THE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
 of Eva Fulbright, born on the 28th day of February, 1906.
 Name of Father: Robert Fulbright, a citizen of the United States Nation.
 Name of Mother: Mary Fulbright, a citizen of the Creek Nation.
 Tribal enrollment of father: United States. Tribal enrollment of mother: Creek.
 Postoffice: Grayson, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }

Western District. }

I, Mary Fulbright, on oath state that I am Twenty years of age and a citizen by Birth of the Creek Nation; that I am the lawful wife of Robert Fulbright, who is a citizen, by Birth of the United States Nation; that a Female child was born to me on 28th day of February, 1906; that said child has been named Eva Fulbright, and was living March 4, 1906.
Mary Fulbright

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this Eighteenth day of May, 1906.

My Com. will expire Aug. 1, 1906.

L. W. Mead
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }

Western District. }

I, Mollie Hawkins, a Midwife, on oath state that I attended on Mary Fulbright with Robert Fulbright on the 28th day of February, 1906; that there was born to her on said date a Female child; that said child was living March 4, 1906, and is said to have been named Eva Fulbright.
Mollie Hawkins

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this Eighteenth day of May, 1906.

My Com. will expire Aug. 1, 1906.

L. W. Mead
 Notary Public.

IN THE MATTER OF THE ENROLLMENT OF EVA FULLBRIGHT,
DECEASED, A CREEK FREEDMAN OF THE CREEK NATION OF
THE INDIAN TERRITORY

--O--

Affidavit of G. T. Epps.

Affidavit of Parralee Miller.

Affidavit of Samuel J. Smith.

Affidavit F. P. Darden.

Affidavit of Dora Brown.

Affidavit of Amanda Barker.

-----O-----

United States of America)
Indian Territory) ss:-
Western District)

G.T.Epps, being first duly sworn upon his oath deposes and says, that he is a carpenter by trade, that he has lived in the town of Grayson, Indian Territory, for the period of three years, that he has known Bob and Mary Fullbright during all that time, that his books show that on the 11th, day of March, 1906, he made a coffin for Eva Fullbright the deceased child of the said Bob and Mary Fullbright.

G. T. Epps

Subscribed and sworn to before me this 30th, day of January, 1907.

J. Shields

Notary Public.

My Commission Expires September 27th, 1909.

W. S. Epps

United States of America }
Indian Territory } SS:-
Western District }

Parralee Miller, being first duly sworn upon her oath, deposes and says that she is a resident of Grayson, Indian Territory, that she has known Bob and Mary Fullbright for about four years, that she was present when Eva Fullbright daughter of the said Bob and Mary Fullbright was born, that said child was born on the morning of February 28th, 1906, that she assisted in the birth of said child, that she is positive that said child was born on the day above mentioned, that she has no interest in the filing of said child but makes this affidavit according to the facts herein stated, that she was present the day the child died and that the said child died on the 10th, day of March, 1906, and was buried on the 11th day of March and was buried in the cemetery and Grayson, Indian Territory.

Parralee Miller

Subscribed and sworn to before me this 30th, day of January, 1907.

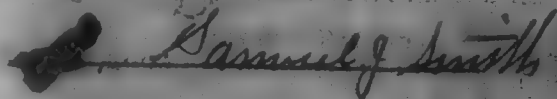
W. J. Shields

Notary Public.

My Commission expires September 27th, 1909.

United States of America }
Indian Territory } SS:-
Western District }

Samuel J. Smith being first duly sworn, upon his oath, deposes and says, that he has lived in the Indian Territory during all of his life time, that he has resided at Grayson, Indian Territory, during most of that time, that he is the present and Post Master of Grayson, Indian Territory, that in the past he has practiced medicine in that vicinity, that he has known Bob Fullbright for the past four years and has known Mary Fullbright during her life, that he knew Eva Fullbright their deceased child during her life time, that on the 28th, day of February, 1906, he was called to render professional services to Mary Fullbright at the birth of the said Eva Fullbright, but was unable to do so. Affiant further states that he fixes the date of the birth of said child for the reason that he had a child born on the 3rd, day of March, 1906, and that the said Eva Fullbright was born three days previous to his child.

 Samuel J. Smith

Subscribed and sworn to before me this 30th, day of January, 1907.



Notary Public.

My Commission expires September 27th, 1908.

United States of America }
Indian Territory } SS:-
Western District }

E. P. Darden, being first duly sworn upon his oath deposes and says that he is a resident of the town of Grayson, Indian Territory, that he is a regularly licensed and practicing physician of the Creek Nation of the Indian Territory, that he has known Bob and ^{Mary} Eva Fullbright about one year, that on the 10th, day of March, 1906, he was called to the home of the said Bob and Mary Fullbright to attend their sick child Eva Fullbright, but that said child had died a short time before he arrived, that he has no interest in the filing of said child neither is he of kin to either of said parties.

E. P. Darden M. D.

Subscribed and sworn to before me this 30th day of January, 1907.

L. J. Shields

My Commission expires September 27th, 1909.

Notary Public.

W. J. Darden

United States of America }
Indian Territory } SS:-
West of Wichita }

Dora Brown, being first duly sworn upon her oath, deposes and says that she has lived in the Creek Nation, Indian Territory, for the last forty years, and has resided at Grayson for the past seven years, that she has known Bob and Mary Fullbright of Grayson, Indian Territory for the past four and seven years respectively, that she knew Eva Fullbright during her life time, that the said Eva Fullbright was born the last of February, 1906, and lived about twelve days, that her mother Mariah Makey, was present when the said Eva Fullbright was born. That ^{she} I was present the day the said Eva Fullbright died.

Witnesses to Mark

W. J. Shields
W. J. Carter

Dora ^{his} Brown
munc

Subscribed and sworn to before me this 30th day of January, 1907.

W. J. Shields

My Commission Expires September 27th, 1909. Notary Public.

United States of America)
Indian Territory } SS:-
Western District

Amanda Barker, being first duly sworn upon her oath, deposes and says, that she has lived at Grayson, Indian Territory, for the past three years, that she has known Bob and Mary Fullbright during all of that time, that she knew Eva Fullbright during her life time, that the said Eva Fullbright was born the latter part of the month of 1906, February, and died the first part of March in said year, that affiant was present the day said child died.

Wm. L. Shields
McL. Porter

Amanda Barker
macl

Subscribed and sworn to before me this 30th, day of January, 1907.

Wm. L. Shields

My Commission expires Sept. 27th, 1909.

Notary Public.

Mustard

CERTIFICATE OF RECORD.

United States of America, }
Indian Territory. } ss.
Western District. }

I, **ROBERT P. HARRISON**, Clerk of the United States Court in the
Western District, Indian Territory, do hereby certify that the instrument hereto
attached was filed for record in my office the 2 day of Jan,
1905, at M., and duly recorded in Book R, Marriage
Record, Page 328.

Witness my hand and seal of said Court at Muskogee, in said Territory, this
2 day of Jan, A. D. 1905.

By John Harlan Deputy.

Clerk.

MARRIAGE LICENSE.

United States of America,
Indian Territory,
Western District.

No. 1959

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are **Hereby** **Commanded** to Solemnize the Rite and Publish the Banns of Matrimony between Mr. Bob Fulbright of Grayson, in the Indian Territory, aged 25 years, and Mrs Mary Williams, of Grayson in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 27 day of December, A. D. 190 4.

By Chas. Remya Deputy.

R. P. Harrison
Clerk of the U. S. Court.

CERTIFICATE OF MARRIAGE.

United States of America,
Indian Territory,
Western District.

I, W. L. Arnold, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 28 day of December, A. D. 190 4, did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 29 day of December, A. D. 190 4.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Western District.
Book C Page 272

W. L. Arnold

INDEXED

COMMISSIONER TO THE TRIBES			
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5-29-06

Williams, Mary,
Grayson, I. T.,
Creek Nation,
May 23, 1906.

H
1039

Asks if application has been made
for enrollment of Eva Fullbright.

CREEK ENROLLMENT.

May 25 1906
May 25 N.B.

Grayson .. May 23, 1806
did they enroll my baby Eva
Fulbright I send in the app-
plication for her I am Mary
Williams or Fulbright the
Grand daughter of Mollie
you King an the daughter of
Joseph Williams an
I want to know if the
next man enroll my baby
Eva Fulbright born on
the 28 day of January 1806
I remain yours Truly

Mary Williams or Fulbright

CR EN 1040

CR EN 1040

7

61E 1040

1/24/07

A.B.

ALL

I believe findings of fact in
decision correct, but think judgment
should deny Jesse Jameson under the
provisions of Sec. 2 Act of 4/26/06, in
re illegitimate children etc.; refuse jurisdic-
tion of the application of Mary Jameson,
deceased, on the ground that it was not
filed within the time provided by law,
i.e. Dec. 1, 05; and grant application
for the enrollment of the other two
appls herein under the provisions of
Sec. 2 Act supra.

1/21/07.

A.T.M.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. June 11, 1906.

In the matter of the application for the enrollment of
Jesse, Frank and Birdie Jameson and Mary Jameson, deceased, as
Creek freedmen.

APPEARANCES:

Lynn G. Gulp, attorney for applicants.
No appearance on behalf of the Creek Nation.

KAIKER JAMESON, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Kaiker Jameson.
Q How old are you? A 36.
Q What's your postoffice address? A Wybark.
Q Indian Territory? A Yes sir.
Q What is the name of your father? A Gabriel Jameson.
Q Is he living? A Yes sir.
Q What is the name of your mother? A Milley Wright.
Q Are you positive of that? A Yes sir.
Q Was she ever known by any other name? A Used to be Caesar
before she was married.
Q How old did you say you were? A 36.
Q Does your name appear on the Dunn roll? A Yes sir.
Q Are you sure of that? A Yes sir.
Q Do you know under what name it appears there? A Kaiker
Jameson is all I know by.
Q What makes you think your name is on the Dunn roll? A I was
raised here.
Q Were you living at the time of the Dunn roll? A Yes sir.
Q Do you know when the Dunn payment was made? A I don't know
how long its been.
Q How much money was paid at the Dunn payment? A I wasn't
here but the one payment, \$14.
Q You don't think that was the Dunn roll, do you? A I don't
know.
Q What Creek Indian town do you claim to belong to? A Creek
Indian town?
Q Yes? A In the Creek Nation.
Q Do you know what Creek Indian town you belong to? A Muske-
gee.
Q There are 47 or 48 Creek Indian towns, three of which are dis-
tinctly negro or freedman towns, North Fork, Arkansas and
Canadian; do you know which one you claim to belong to? A
Arkansas, I guess.
Q Do you know if your mother was known by any name than the one
given by you? A No sir.

Q Do you know what your father's owner's name was? A No sir, I don't know.

Q Name your brothers and sisters? A Jesse.

Q Did he have the same father and mother? A We had the same father.

Q What is the mother's name? A Fannie.

Q Name some more? A Calvin.

Q Is he a full brother of Jesse? A Yes sir; Harriet, Dinah, Pauline, Maria, Rosa, Monday, Stanford and Isom.

Q Did you ever hear of your father and step-mother having a pair of twins named Pauline and Silas? A Yes sir.

Q How many children did your father have, to your knowledge? A I don't know, sir.

Q You don't know? A No.

Q You haven't named them all? A Floyd.

Q Where were you born? A Across the Arkansas.

Q In the Creek Nation? A Yes sir, in the Creek Nation.

Q Was that after the war or during the war? A It was in '67.

Q How long did you stay in the Creek Nation that time? A I think I was about 18 year old when I left here. I don't remember exactly.

Q Then where did you go at about 18 years of age? A Went to Texas.

Q What place? A Beaumont--all over east Texas.

Q How long did you stay there? A I don't know exactly the number of years; I was there 17 or 18 years.

Q Until you came back here recently? A Yes sir.

Q How long have you been back this time? A The first of August.

Q Last year? A Yes sir.

Q Prior to the 1st of August, 1905, you had not been in the Creek Nation for about 17 years? A I don't know exactly, but its been about that time.

Q Were you married when you left the Creek Nation? A No sir.

Q Where were you married? A In Texas.

Q Were all of your children born in Texas? A Yes sir.

Q What is the name of the oldest? A Jesse.

Q A boy? A Yes sir.

Q J E S S E is it? A Yes sir.

Q What place in Texas was he born in? A Colmesnil, Texas.

Q Where is he now, is he living? A Yes sir.

Q Where? A He is in Louisiana.

Q Has he ever been in the Creek Nation? A No sir.

Q What was the name of his mother? A Manda Golden.

Q Were you married to her? A No sir.

Q Then Jesse is an illegitimate child, born out of wedlock? A Yes sir.

Q What is the name of the next one? A Frank.

Q When was Jesse born? A He borned in March.

Q How old was he this last March? A 12.

Q That would make him born March 1894? A I don't know sir.

Q And the next you say is Frank? A Yes sir.

Q Is Frank living? A Yes sir.

Q Where was he born? A Colmesnil, Texas.

Q Same place as Jesse? A Yes sir.

Q Is he living? A Yes sir.

Q Where is he now? A There he is.

Q How long has he been in the Creek Nation? A I brought him the first of last August.

Q Before that he had never been in the Creek Nation? A No sir.

Q Are you living here now? A Yes sir.

Q When was Frank born? A He was born September---he was 10 year old last September.

Q Last September? A Yes sir.

Q That would make him born in 1896? A I don't know.

Q What was the name of his mother? A Alice.

Q Where is she? A She is dead.

Q Were you married to her? A Yes sir.

Q Was she a citizen of the Five Tribes? A No sir.

Q Was this other woman? A No sir.

Q When did Alice die? A She died about a year ago--12th of December, I believe.

Q Year ago last December? A Yes sir.

Q Where did she die? A Beaumont.

Q Then before last August when you returned here, Frank had never been in the Creek Nation? A No sir.

Q What is the name of your next child? A Mary.

Q When was she born? A March; she was 7 year old last March.

Q Seven last March? A Yes sir.

Q That would make her born in 1899; do you know the day on which any of these children were born? A No sir.

Q Where was Mary born? A In Colmesnil.

Q Same mother Frank had? A Yes sir.

Q Is Mary living? A No sir.

Q When did she die? A 16th of March.

Q What year? A 1906---this year.

Q Where did she die? A Out here at Cane Creek.

Q How long had she been in the Creek Nation at the time of her death? A 8 months.

Q Exactly eight months? More or less? A More or less.

Q Was it more or less? A It was less.

Q How much less? A About 14 days I guess---the 16th of March.

Q From the time you claim to have moved back here in August of last year, from that time back to the birth of Mary she had never been in the Creek Nation? A No sir.

Q Have you established a residence in the Creek Nation? A No sir.

Q What are you doing here? A Working on a section of railroad.

Q Where is your residence now? A I live close to my father.

Q I asked you if you had established a residence in the Creek Nation and you said you had not? A I thought you meant buy, or build.

Q How long after your return to the Creek Nation in last August was it before you established a residence here? A I don't know how long its been.

Q Did you bring any household goods with you from Texas? A No sir.

Q Did you leave any property, personal or otherwise, in Texas? A No sir.

Q And you were there for about 17 years back from last August in Texas? A Near as I can come at it.

Q What is the name of your youngest child? A Birdie.

Q A girl? A Yes sir.

Q When was she born? A 29th of July.

Q How many years ago? A She was five year old last July.

Q Where was she born? A In Beaumont.

Q Did you bring her with you last August? A Yes sir.

Q She had never been in the Creek Nation before that.

Q Did she have the same mother as Frank and Mary? A Yes sir.

Q Were you married to Alice? A Yes sir.
 Q That is Birdie here, is it? A Yes sir.
 Q Have you been enrolled by the Commission? A Yes sir.
 Q How do you know? A Because I have sold it.
 Q Did you ever draw any money from the Creek Nation? A Well, the \$14.
 Q Did you draw that yourself? A No sir, my father did.
 Q Why didn't you draw it yourself? A I was too small, I guess, to know.
 Q Are you sure that you were here at the \$14 payment? A Yes sir, at the time they was fighting about it.
 Q I think you are mistaken about that \$14 payment; it was made in 1895, which was just about 11 years ago, and if you are about 37, as you state, you were at the time of the \$14 payment 25 years of age? A Wasn't that that the time of the Ispahchee war?
 Q Is that the only one you knew about? A Yes sir.
 Q How do you know it was \$14? A I heard them talking about it.
 Q About how many years ago was this Ispahchee war; to the best of your recollection, when was that war? A About 21 years I think.
 Q And you don't know anything about any other payment than that? A No sir.
 Q Either drawn for you or by yourself? A I never drewed any myself.
 Q And the only money ever drawn for you was during that Ispahchee war? A Yes sir.
 Q You didn't file on your land yourself? A No sir.
 Q Commission file for you? A Yes sir.
 Q How did you sell your land if you were down in Texas? A I sold it here.
 Q Since you came back in August? A Yes sir.
 Q To whom did you sell your land? A Iowa Land & Trust Co.
 Q Mr. Fears or Mr. Darby, someone like that? A I don't know the names of them.
 Q Can you read or write? A Yes sir.
 Q Have you ever made application for the enrollment of any of these children? A No sir.
 Q Never have made any application? A No sir.
 Q Do you know, has any one made any for them? A No sir, no one made any for them.
 Q How does that happen? A I was waiting on my father to make it for me.
 Q Did you ever ask him? A Yes sir.
 Q When? A Last summer, last September.
 Q You had never asked him before that time? A No sir.
 Q That was after you returned here? A Yes sir.
 Q Which died first, your child Mary, or her mother? A Her mother.
 Q How long before Mary died? A About 9 months; I think about 8 months.
 Q Where did she die? A Which, the child?
 Q The mother? A Besament.
 Q And the child, Mary, died out here on Cane Creek? A Yes sir.
 Q Who buried her? A I did.
 Q Did you buy a coffin? A Yes sir.
 Q From whom? A Fellow in Boynton.
 Q What day of the week did she die? A I have forgotten that; I don't remember.
 Q Can you think of the name of the store you bought that coffin from? A No sir.
 Q Did you have a doctor when Mary died? A Just before--when she was sick.

- Q Close to the time of her death? A About a month.
- Q Didn't have a doctor the same week she died, or the same day?
A No sir.
- Q What was the name of the doctor that waited on her? A Austin.
- Q Where does he live? A Boynton.
- Q Black man? A Yes sir.
- Q Who was present when Mary died? A My mother.
- Q What is her name? A Miley Wright.
- Q Is she enrolled? A Yes sir.
- Q Under what name is she enrolled? A Miley Wright.
- Q What is her postoffice address? A Lee.
- Q Anybody else present? A No sir.
- Q Did you have a funeral, either at the house or the grave? A
At the grave.
- Q Who preached that? A Kusee, the preacher's name.
- Q What is his postoffice address? A I don't know, he's gone.
- Q Don't know where he has gone? A No sir.
- Q Did you buy any funeral material other than the coffin? A No
sir.
- Q Buy any clothes or anything like that to bury her in? A No
sir.
- Q Did you ever hear of St. Patrick's Day? A No sir.
- Q Ever hear of George Washington's birthday? A No sir.
- Q Never heard of Washington's birthday? A No sir.
- Q Don't know what time it comes? A No sir.
- Q What was your mother's father's name? A My mother's father?
- Q Yes? A I don't know nothing but Caesar.
- Q Was Miley Wright married to your father, Gabriel Jameson? A
Yes sir.
- Q Was she ever married to any one else you know of? A Bill
Wright.
- Q Have some children by him? A Yes sir.
- Q What are their names? A Charley Wright, Buzz Wright, Luella
Wright, Tennessee Wright, Joe Wright; that's all I know that's
living.
- Q Now, without stopping to think, to figure up from the dates which
you have given already, what is your best recollection as to
how old Mary Jameson was when she died? A No sir, I couldn't
do that; she was about seven year old.
- Q Stop and consider it a while and tell me how old she was? A
I think she was about seven; somewhere near that.
- Q Did she lack any; was she more or less than seven? A I don't
know.
- Q You don't know? A No sir.
- Q Was she as much as two or three months more or less than seven
when she died? A No sir.
- Q Was she less than a month away from seven years of age? A No
sir.
- Q Do you know when Christmas comes? A Yes sir.
- Q Was your child, Mary, living last Christmas? A Yes sir.

The boy Frank is here and when he was first asked about
Christmas time and if his little sister Mary was living at
that time, he said "no". On the second examination he contra-
dicted this statement.

- Q You say that the man that preached is gone and you don't know
where he is? A No sir.

- Q When did he go--how long has he been gone? A He went last September, I think it was.
- Q Where did he go to? A I don't know and no one else out there.
- Q Is there a joke about his going away? A Mr. Allen tell you about his going away.
- Q He had to leave last September? A It was in the fall, all right---had to leave his crop.
- Q He is the one that preached Mary's funeral sermon? A It was not in September.
- Q Is Amanda Golden living? A Yes sir.
- Q Where does she live? A In Texas.
- Q Where in Texas? A Louisiana.

Witness excused.

J. N. ALLEN, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A J. N. Allen.
- Q How old are you? A 38.
- Q What is your postoffice? A Muskogee.
- Q What is your occupation? A Member of the bar here, but am engaged in the land and loan business.
- Q You don't know the applicant here? A Yes sir, I know Kaiser.
- Q When did you first see him? A As I remember it was along last fall, about October, I think; that's my recollection; he did some work for a man of mine out on the farm and came into the office to get some pay.
- Q You don't know about all his children? A No, I don't know anything about his children.
- Q Did you ever hear of a preacher named Kuzee? A Yes.
- Q Negro preacher, was he? A Negro preacher; he was a tenant on a farm of mine.
- Q You have had business dealings with him? A Yes.
- Q When was the last time that you have seen him, do you remember? A As I remember it, it was in the summer of 1905, but I could not state just what month. I will correct that; he came into the office just at the beginning of cotton picking time; that must have been the beginning of October 1905.
- Q Do you know whether he left the country about that time? A Yes sir, he left the country shortly after that---something like a couple of weeks.
- Q Did you endeavor to find him about that time? A Yes, I sent a man out to Kuzee's farm to endeavor to collect some rent.
- Q What was the name of the man you sent out? A Will Bair, he lives just across the river.
- Q What did he tell you about Kuzee? A Told me he had skipped the country.
- Q You are sure that was before last Christmas? A Yes, I am positive that was before last Christmas.
- Q Did you ever hear of his being in the country after that? A Never did; I have heard of people endeavoring to find him and they never could.
- Q If he had come back you would very likely know on account of your efforts? A I think so; there are others that would be more likely to know, because I got through in pretty good shape. Mr. Miller, the cashier of the First National Bank at Boynton was making great efforts.
- Q Do you know he has been trying to find him? A I talked with him and he told me he had not been able to find him.

By Mr. Culp:

- Q Did you say that man was a minister? A Yes, I understood he was; I have no personal knowledge of his ministrations.
- Q You don't know whether he ever came back here after that time? A Yes, I know they were hunting for him and Mr. Miller came to me to get some information.
- Q Do you know what church he was preaching at? A No, I don't. There was a colored man in town this morning named Alex Phillips who was the closest friend of Kusee.

By the Commissioner:

- Q He lives just out of town? A No, he lives out near that farm.

By Mr. Culp:

- Q Is he a white man or a colored man? A Colored man.

By the Commissioner:

- Q Did you ever know of any connection between him and this man Kaiser here? A Never did.
- Q Never heard he had preached a funeral for one of Kaiser's children? A No sir, never had any conversation of that sort.
- Q Did you hear of Kaiser having lost a girl? Q I never knew Kaiser until after Kusee had left the country.

Witness excused.

KAISER JAMISON recalled.

By the Commissioner:

- Q You are sure that Kusee preached the sermon for Mary? A Yes sir; he's been back all right.

By Mr. Culp:

- Q Who else was at that funeral? A My mother and my sisters.
- Q Any strangers? A Some strangers, I don't know.
- Q Were you acquainted with Kusee? A Slightly.
- Q Who took his place at the church? A I don't know sir.
- Q Have you ever seen that man? A No sir, he didn't have a church I don't think.
- Q Are you sure that this man Kusee returned? A Yes sir.
- Q After he left this time? A Yes sir, this last time I don't know whether he returned or not, but he came back to move his things.
- Q How long was he here this last time? A Wasn't a month, I guess.
- Q When did he leave the last time? A He left in March.
- Q How long after preaching that funeral? A About a week I guess.
- Q Do you know the exact date that the child died? A 16th of March.
- Q What day of the month did you bury her on? A 17th.
- Q Where did you bury her? A At Cane Creek.
- Q Have you headstones or head boards marking that grave? A No sir, I haven't got anything.

Q Kaiser, when you returned to the Creek Nation did you come back with the intention of making this your home or returning to Texas? A Make it my home.

Q Why did you come back? A Because I lost my wife.

Q To what place did you come? A Right here in Muskogee.

Q What place--what house? A I stopped at Triggs' Hotel that night and went to my mother next morning.

Q Is the woman you call your mother your real mother? A Yes sir, Miley Wright.

Q How long has your father been married to his present wife? A I don't know, sir.

Q About how long? A About 24 or 25 years.

Q Is your own mother living or dead? A She's living.

Q Is your father separated from her? A Yes sir.

Q Is she married to some one else? A Yes sir, Bill Wright and he's dead too, now.

Q How many times has she been married? A I don't know sir; about three times, I guess; I don't know but the two husbands.

Q Was she married before she married your father? A No sir.

Q What was her name before she married your father? A I suppose it must have been Caesar; her brothers go by Caesar.

Q Then her full name would have been what? A Miley Caesar.

Q Did you live with this woman, Manda Golden as your wife in Texas? A Yes sir, I wasn't married to her.

Q Did you live together? A Yes sir.

Q Did she pass as your wife? A Yes sir.

Q Where has that child been since its birth, who has taken care of it? A I helps take care of it.

Q Has it lived with you any of that time? A Yes sir.

Q How long did you live with the mother? A About three years.

Q When did you separate from her? A I stayed with her until I married these children's mother.

Q How many years has that been? A A 12 years, I guess.

Q Where did you leave her? A This woman I was living with?

Q Yes? A In Colmesnil.

Q Where did you marry this wife, Alice, the woman you say you married? A Colmesnil.

Q How long did you live at Colmesnil after you married this woman? A About a year.

Q Then where did you go? A Beaumont.

Q Where's that? A Beaumont, Texas, but we would go back and forwards.

Q Did this boy Jesse live with you after you left Colmesnil? A Yes sir.

Q How long? A Just off and on.

Q Up to the time you left there, or not? A Yes sir.

Q Then what became of the child? A Went with the mother to Louisiana; she married.

Q Is she married now? A Yes sir.

Q Have you been supporting this child? A Helping to support it.

Q By what name is the child known? A Jesse Jamason.

Q Has he any other name? A No sir.

Q Have you always recognised him as a father? A Yes sir.

Q When you came back to the Indian Territory did you bring all three of your children with you, the three of the last wife? A Yes sir.

- Q What were the names of these three? A Frank, Mary and Birdie.
 Q What month of the year did you return? A The first of August.
 Q What year? A 1905.
 Q How long after your return was it that Mary died? A I don't know how long; it was in March, the 16th of March.
 Q Do you know how many months you were here in 1905, how many months of 1906 you were here? A Near seven months.
 Q How many months of the year 1906 did Mary live, if any? A Over two.
 Q Then about how many months was it from the time you came until the time she died? A A little over 7 months.

By the Commissioner:

- Q What do you do for a living? A Works on a section on a railroad.
 Q Have you got a farm? A I have got the 40 acres.
 Q Do you farm it? A No sir.
 Q For what railroad were you working when you came back? A Working on this M K & O.
 Q What were people doing in the field at the time you came back? A I don't know sir.
 Q When your child Mary died were they doing any work in the field? A Yes sir, breaking out land.
 Q Did you write down in any book or on a piece of paper the dates of the birth of these children? A No sir.
 Q Make any record? A No sir.
 Q Did you make any record of the death of Mary? A No sir.
 Q Didn't even put it down on the headboard? A Didn't have no headboard.
 Q Is it buried in a regular cemetery, as your lawyer asked you? A Yes sir.
 Q Lots of graves in there? A Yes sir.
 Q Cost you anything to put the child in there? A No sir.
 Q Free graveyard? A I guess so.
 Q Is there a fence around it? A Yes sir.
 Q Some have monuments and gave stones? A Yes sir.
 Q Could you find the grave? A I suppose I could.
 Q Is there a sexton in the place, man in charge of the graveyard? A No sir.
 Q Whenever any one dies you just go and put them out there? A Yes sir.
 Q Wasn't there any order about it---divided out in lots? A Never heard it.
 Q Can any one bury there? A They buried mine there.
 Q Who did you mean by them? A I buried her.
 Q Who dug the grave? A I don't know sir.
 Q Wasn't you there when she was buried? A I wasn't there when it was dug.
 Q Didn't any one ask you to pay for the digging of the grave? A No sir.
 Q Didn't you make any arrangements for the digging of that grave? A No sir.
 Q Who did? A I don't know who did.
 Q Do you own any land close to that graveyard? A No sir.
 Q You never heard who dug the grave? A No sir.

- Q How did you get the bodymout there? A In a wagon.
- Q Whose wagon? A My mether's.
- Q Was young Charley Wright there? A Yes sir, I think he was.
- Q He drove the team, didn't he? A No sir.
- Q Does Charley Wright recognize you as a half brother? A Yes sir.
- Q Are you a half or a full brother of Jesse? A I have no full brother and sister.
- Q You haven't got any full brother or sisters? A No sir.
- Q Do you know of any one who could tell us the name of the grave-digger? A No sir.
- Q You say that Jesse is not here; where is he? A In Louisiana.
- Q Has he ever been in the Creek Nation? A No sir.
- Q Born in Texas? A Yes sir.
- Q To a woman you were not married to? A No sir, just living with her.
- Q When is the last time you heard from him? A Its been about a year.
- Q Who has him? A His mother.
- Q Been a year since you heard from him? A Yes sir.
- Q How long has he been in Louisiana? A About four years.
- Q Have you seen him since that time? A Yes sir, he's been back once or twice.
- Q His mother came with him? A Yes sir.
- Q That's the only children you have had, these four you mention? A Yes sir.
- Q Were you living with any other woman about the time you were living with this Golden woman? A No sir.
- Q Any one else living with her to your knowledge, at the time you were? A No sir.
- Q Did you ever hear any one else claim as the father of the child? A No sir.
- Q You don't claim to have been married to her? A No sir.
- Q Can you write your name? A Yes sir.
- Q Here are these certificates, I will read them to you.

After the reading of the affidavits, the witness signs same and seal is attached by notary in the office of the Commissioner.

The witness is advised that the affidavit of the midwife or physician in attendance on the mothers of these children at their birth is necessary. He is advised that further evidence is necessary.

By Mr. Culp:

- Q Where is the midwife of these children? A She's dead; it was their grandmother.

By the Commissioner:

- Q Was she the midwife of all of them? A All three of them.
- Q Who was the midwife when Jesse was born? A I don't know; it was another lady.
- Q Who was the midwife for the others? A Sarah Ann Kirkwood, she is dead.
- Q Who was the midwife for Mary? A Same one.
- Q For Birdie? A Same one.

In lieu of the affidavit of the midwife, as same cannot be produced in any of the cases, the witness is advised that the affidavits of two disinterested witnesses will be required.

Witness excused.

GABRIEL JAMESON, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Gabriel Jameson.
Q How old are you? A I am 66.
Q What's your postoffice address? A Wybark.
Q Is that your son who just stepped out? A Yes sir.
Q What is the name of his mother? A Miley.
Q Who enrolled this boy? A I did.
Q You did it yourself? A Yes sir.
Q Did you tell the Commission the names of your children? A Yes sir, I give the names.
Q And this one was enrolled the same time, you say? A Yes sir.
Q Didn't take any testimony? A All the children was named at once.
Q And you told the Commissioner the name of his mother? A I disremember whether I did or not.
Q Have you ever held any office in the Creek Nation? A Yes sir.
Q Are you one now? A Yes sir.
Q What are you? A Town king.
Q What town? A Arkansas.
Q Do you know that your son was ever married? A No sir, I don't; just what he told me.
Q When is the first time you heard he had any children? A Been about two years ago.
Q How did you find out? A Found by his writing that he had a family of children.
Q Did you ever attempt to have any of his children enrolled? A No sir.
Q Did you ever attempt to have anybody's else children enrolled? A No sir, not as I know of.
Q Attempt to have any of your grandchildren enrolled? A Grandchildren, no sir.
Q Has your son ever talked to you about his children? A Since he come back.
Q How many did he tell you he had? A Four.
Q Did he tell you any of them were dead? A Yes sir, one died after he come here.
Q Did he tell you how long after he came here? A Last March.
Q When did he tell you that? A I know; I know that myself.
Q Were you there when she died? A I was here when the child died; I had to furnish the money for the coffin.
Q Did you pay for the coffin? A I give it to him.
Q Do you know who furnished the coffin? A No sir.
Q But you paid for it? A I give him the money.
Q Did you give it to him at the time of the funeral or afterwards? A At the time, I guess.
Q What is your best recollection? A When it died and he wanted the coffin, and I gave him the money.
Q You don't know whether he paid for it right away or not? A No sir, he told me he did; I don't know.
Q Where is the child buried? A Up here at the old Creek Agency; graveyard.
Q Did you make any arrangements to bury the child in that place?

- A No sir, I didn't.
- Q Did you go to the funeral? A No sir, I did not.
- Q What makes you say that was in March? A A I knew it was in March.
- Q What helps you to remember it was the month of March? A I just knew it.
- Q Is there any fact that helps you to remember the date of the death of this child? Is there anything that happened about that time that would fix it in your head? A I don't remember anything that happened at that time.
- Q Do you know what time in March the child died? A Yes sir, I think I remember that---the 16th, I think it was.
- Q In the first, the middle or the last part of the month? A About the middle of March.
- Q Do you remember about a year ago when some of the Creek freedmen put on silk hats and started to go up to Washington? A No sir, I don't remember.
- Q Never heard of the inauguration of the President? A No sir.
- Q You know when Christmas comes? A Yes sir, I do.
- Q Was this before or after Christmas? A After Christmas.
- Q What is the first month in the year? A The first month?
- Q Yes? A January.
- Q What month was it this child died in, in regard to the number? A Died in March.
- Q What month was it this child died in? A Third month.
- Q Have you been paid any money to testify in this case? A Lord, no sir.
- Q How did you come here from Wybark? A I rode horseback; I was on other business and I hated to come up here. I didn't mean to come when I come to town; I didn't think they would need me.
- Q Do you know the name of the child that died? A Yes sir.
- Q What was it? A Mary.
- Q You just know that from them telling you? A They stayed with me three months.
- Q Was it more than three months? A I think about that.
- Q Was it as much as six months? A I don't know; I know he stayed there and went to school one session.
- Q You can tell us the exact date on which the child died and you can't tell how many months the father and the child lived with you? A To tell the truth I can't say whether it was three months or a little more.
- Q Was it as much as four months? A I can't tell you that.
- Q Was it as much as five months? A I know it wasn't five months.
- Q Did this boy come to live with you when he first came back? A When he first came back he went to live with the mother and then came over to live with me.
- Q How long had he been with his mother? A I don't know; he had not been with her any length of time.
- Q Did this child die at your house? A No sir.
- Q How long after they left your house? A The child was sick when they brought it over and I don't think it lived over two or three weeks.
- Q Didn't you tell this Commission at the time you enrolled yourself and your children in '98 that the mother of Kaiser Jameson was your wife, Fannie Jameson? A Fannie Jameson was my wife.
- Q Didn't you tell that Fannie Jameson was the mother of Kaiser? A No sir, I didn't.
- Q Was his mother ever known as Fannie, this boy's mother? A No sir, its Miley.

- Q Never known as Fannie? A Fannie is the woman I have got now.
 Q Was she ever known as Wiley? A No sir, but she raised this boy.
 Q Is he the only child that you had by that Wiley that's enrolled? A Yes sir.

By Mr. Culp:

- Q Is that your boy, the one that was in here? A Yes sir, that's my boy.
 Q And these are his children that were with him? A Yes sir, he told me that.
 Q What were you doing when Kaiser called on you for that money to pay for the coffin? A I was home, as I remember.
 Q What were they doing on your farm, what were the men doing? A Fixing fences.
 Q Had you done any spring ploughing? A Yes sir, they had done ploughed.
 Q Do you know where Kaiser went when he first came back, where he went to keeping house? A When he came back?
 Q Yes? A He bought him a lot in town and then got throwed out of his house in same way.
 Q How long did he stay here? A I am not able to tell you exactly how long.
 Q About how long; one week, one month? A It must have been over a month; I didn't pay no attention to it.
 Q Where did he go then? A To my house.
 Q Go from town here to your house? A Yes sir.
 Q Where does his mother live? A Cane Creek.
 Q Did he go to his mother's from town or to your house? A He went to my house and then from my house to his mother's.
 Q Where was he when the child Mary died? A He was in town.
 Q Does he live here in town now? A No sir.
 Q Where did he live when the child died? A At that time he was living in town; when the child died he was over there out with his mother and then came back and bought a lot here in town and after he lost that lot he turned 'round and moved the children to my house and moved himself and stayed there a week or so and turned 'round and went out to his mother's.
 Q You mean to say that he first came to town from Texas; he stopped in town first, or did he go direct to your house? A Stayed in town a week or so.
 Q Then where did he go? A Over to my house.
 Q Then where? A Came back in town.
 Q Then where? A Out to his mother's.
 Q Then where? A Back over to my house, then came back over and bought him a lot.
 Q How long did he live on that lot? A Couple of months, I guess; I don't know exactly.
 Q Where does he live now? A Across the Arkansas River; living with his sister, I think.
 Q Do you know what time, how late that child would have to have been living to get it on this roll? A No sir, not on this roll that I know of.
 Q Do you know when that child would have to have been living so that it could be enrolled? A If it was living it could be enrolled.
 Q Congress has set a date when that child must be living? A March 4.
 Q Of this year? A Yes sir, if I am not mistaken.

- Q Was that child living on that date? A Yes sir.
 Q How long after? A About the 16th.
 Q Did you fix that date purposely so it could be enrolled? A I knew when it died, but I wasn't thinking anything about it. I didn't know he was going to try to enroll it.
 Q Did you lend Kaiser this money to bury that child or did you give it to him? A I give it to him.
 Q Did you get any money out of his land when it was sold? A No sir, I didn't; I didn't get a penny of it.

By the Commissioner:

- Q What do you know about this date, March 4, 1906? A I know because I borrowed this money.
 Q How do you know? A The Chief notified all the people.
 Q Chief Porter? A Yes sir.
 Q Do you know that a child if it died before that date it could not be enrolled? A I knew it would be too late to enroll it if it died before that date.
 Q You are familiar with the date because you were notified by the Chief? A Yes sir, notified by the Chief.
 Q You talked to a good many people about that date? A Yes sir, I counsel my people.
 Q You talked about it right along? A Yes sir.
 Q Did you ever talk to Kaiser about it? A Not him individually.
 Q Did you ever talk to Kaiser about it? A Not as I remember it.
 Q Wouldn't you be likely to remember it if you had? A Yes sir, if I told him I would remember, but I don't remember talking to him.
 Q You talked to him today? A Yes sir.
 Q Did you tell him the date then this child died? A No sir.
 Q Did he tell you? A No sir.
 Q Didn't you talk about the death of this child, about the date? A No sir.
 Q Did he ever tell you the date of the death of this child? A No sir, cause I knew it.
 Q What is today? A This is Monday.
 Q What day of the month? A I disremember what day of the month it is.
 Q Do you know whether it is the first part of the month, the middle of the month or the last part of the month? A It isn't the middle of the month yet, I don't think.
 Q What day does Christmas fall on? A 25th.
 Q 25th of what? A December.
 Q Do you know what month this is? A Yes sir.
 Q What is it? A June.
 Q But you don't know what day it is? A No, not from memory, I don't.
 Q Do you know when the first of this month was? A I don't know that I paid much attention.
 Q You didn't pay much attention to any day in this month? A I did, but I disremember now.
 Q But you can remember March 16th? A I remember because I borrowed money on that day.
 Q Do you remember any other day in that month? A I remember when I borrow money from.
 Q You cannot read or write? A No sir.
 Q How do you know? A When I borrow money they tell me the date.

- Q The only days you know is when you borrow money? A I got to find out when I borrow money.
- Q Is that the only way you have of telling the day of the month? A Sometimes I can tell.
- Q Whom did you borrow off? A From Mr. Allen.
- Q How much? A I borrowed \$25.
- Q Did you give him any security? A Yes sir.
- Q What security? A Mortgage on a mule; I think it was.
- Q Have you borrowed any money from him since? A Always do borrow money from him.
- Q How many times have you borrowed money from him since March 16th? A Half dozen times.
- Q Give me the day of the month of any one of these half dozen times that you borrowed money from Mr. Allen? A If I had my receipts---
- Q You haven't got the receipt for the money you borrowed March 16th, have you? A No, I haven't.
- Q You can tell March 16th, because on that day you borrowed money from Mr. Allen, but you can't tell the day of the month of any one of six or more borrowings since that, because you have got your receipts? A I borrowed money on the 13th of March, last March.
- Q Was that after the 16th? A No sir, that was before the 16th.
- Q Can you tell me the date of any one of six or more borrowings since March 16th? A No.
- Q How is it that you can tell the 16th? A Sometimes a person studies about one thing and they don't remember----
- Q But you said you could always remember the day of the month when you borrowed money? A I remembers until the day I pay it, and then I don't think about it any more.
- Q Did you pay him the money you borrowed on the 16th of March? A Yes sir.
- Q You borrowed some since then? A Yes sir.
- Q Have you paid him up for all of that? A Yes sir.
- Q Can you tell me what you borrowed this money for this year? All the different things you borrowed it for? A Sometimes I come in town and I haven't any money and I goes and borrows it.
- Q Can you tell me the object for which you borrowed the last money? A I borrowed to buy some hogs.
- Q And the money before that? Can you tell me what you borrowed it for? A No sir, I borrows money without any particular reason.
- Q Do you know the object for which you borrowed money on the 16th of March? A When he comes to me and wants that money, I didn't have ne money and I came to Mr. Allen and borrowed \$25.

By Mr. Culp:

- Q How much did you give him? A \$15.
- Q Where was he? A He was in town.
- Q Did you see the child after it was dead? A No sir, I didn't go there.
- Q Why did you not go there? A Yes sir, my reason---I don't know why.
- Q Is Kaiser's mother and you good friends? A Yes sir, good friends.
- Q Did you charge Kaiser with that money you loaned him for the coffin? A No sir, he's forever getting money and never

returning it. They never do return any money they get from me.
Witness examined.

Olga Petroff, a stenographer in the Commission to the Five
Civilized Tribes, on oath states that she reviewed the proceedings
and in the above entitled case and that the foregoing is a full,
true and correct transcript of her stenographic notes.

Olga Petroff

Subscribed and sworn to before me this 20th day of June, 1906.

Edmund Morris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY,
JUNE 12, 1906.

In the matter of the application for the enrollment of
Jessie Jameson, et-al.

Buzz Wright being first duly sworn, testifies as follows:

- Q: What is your name? A: Buzz Wright.
Q: How old are you Buzz? A: I am 23 past.
Q: What is your post-office address? A: Lee, Indian Territory.
Q: Do you know Kaiser Jameson? A: Yes sir.
Q: When did you first get acquainted with him? do you remember? A: I was acquainted with him before he ever left home. He went off and stayed about 18 years I guess. He has been gone a good while.
Q: Then did he come back to your mother's? A: Yes sir.
Q: When was that he came to your mother's? A: It was either the later part of July or the 1st. of August, I disremember now.
Q: Did he have any children with him? A: Yes sir.
Q: How many? A: He had 2 girls and one boy.
Q: Well did he stay there any other time? A: He stayed there about a couple of months.
Q: Did you ever hear of a preacher named Kuzee? A: Yes sir I know him.
Q: Did he live in your neighborhood one time?
A: Yes sir, he lived right close to me, about a mile.
Q: Pretty well acquainted with him, were you? A: Yes sir.
Q: When was the last time you saw Kuzee? A: I think along in August or September sometime.
Q: Of last year? A: Yes sir.
Q: And have never laid eyes on him since? A: No sir.
Q: Has he left that country, do you know?
A: Yes sir he has gone to Veleeta.
Q: Do you know whether he has ever been back since he left there? A: I heard of him being in that neighborhood but never saw him.
Q: Do you know why he left that country? Why did he get out? Why did he move? A: I don't know what caused him to go away.
Q: He got into some trouble up there, didn't he? The fact of the matter he run away from there, didn't he?
A: Yes sir.
Q: And has been hiding out ever since, ain't he?
A: I guess so, I heard of him being back but I never saw him.
Q: Who told you he was back? A: Some of his folks, his step son.
Q: Did you ever hear that he came back in the open so that everybody could see him? A: No sir, I heard of him being in certain places.
Q: Isn't it your impression if he came back he came back stealthily, that he didn't want these people there to see him, and that he was hiding?
A: I don't know anything about that.

- Q: Didn't you hear something of the story, or know what he was hiding out for? A: Yes sir.
 Q: Did he come back at all after that? A: Yes sir.
 Q: You don't know why he was hiding out, do you? A: No sir.
 Q: What was the trouble, do you know? A: Mortgaged property, I think.
 Q: Some claim he disposed of mortgaged property or something like that? A: Yes sir.
 Q: Do you know whether there was a warrant out for him or not? A: I heard there was.
 Q: Ever since last fall? A: Yes sir.

Hattie Wright being first duly sworn, testifies as follows

- Q: What is your name? A: Hattie Wright, used to be Hattie Triggs.
 Q: How old are you? A: I am 20.
 Q: What is your post-office address? A: Lee, Indian Territory.
 Q: You are the wife of Buzz Wright are you? A: Yes sir.
 Q: Living with him now for sometime? A: Yes sir.
 Q: Is his mother Millie living right there?
 A: Yes sir, we stay in the house with her.
 Q: You do? A: Yes sir.
 Q: Do you remember last summer or fall, a man named Kaiser Jameson coming there? A: Yes sir.
 Q: How many children did he have with him? A: Three, 2 girls and one boy.
 Q: Was one of the girls sickly? A: She didn't seem to be when he first come there.
 Q: What was her name? A: The one that died? Mary.
 Q: How long did she live after Kaiser brought her to your husband's mother's house?
 A: About a week and a half maybe two weeks I couldn't tell exactly.
 Q: Was that right after he came back from where he was out of the Nation? A: No sir, I think he had been back about a month. He had been back from the South about a mo.
 Q: Do you mean he had been back from the South about a month?
 A: Yes sir. He didn't stay with his mother very long he moved across the river with his father.
 Q: Why do you say he had been back from the South about a month? Had you been told the time of his coming back or did he tell you he had just come back from the South somewhere when he came to your house?
 A: That is what he said, he said he came from the South.
 Q: You say from that time until Mary died was about a month, is that right? A: Yes sir.
 Q: Are you positive that child, Mary did not live as much as 6 months after he came back from the South?
 A: No, she didn't live 6 months after he came back from the South.
 Q: Just lived about a month did she? A: Yes sir.
 Q: Where did he come from, do you know? A: No sir.
 Q: Didn't you hear the name of the State?
 A: I did hear but I have forgotten.

Q: Was it Texas? A: Texas. He came back in the summer and his child didn't live more than a month.

Buss Wright recalled, testified as follows:-

Q: Buss do you know that Kaiser had a girl die here last year sometime? A: Yes sir.
 Q: Were you present when it died? A: Yes sir. I wasn't present but I was there shortly after the child died.
 Q: You were there the day the child died? A: Yes sir.
 Q: What kind of weather was that Buss? What season was it Spring, summer, autumn or winter.
 A: I think it was September.
 Q: How long was it after Kaiser first came back to this country this last time, about how long, after the child died?
 A: I think he was here about a month.
 Q: Are you sure he wasn't here 5 or 6 months?
 A: No sir, he wasn't here that long.
 Q: Are you sure that girl child died last year? A: Yes sir.
 Q: Sure she didn't die this year? A: I am sure she didn't die this year.
 Q: Did you see the child die? He sir.
 Q: You are sure she didn't die as late as March of this year?
 A: I am satisfied the child didn't die in March.
 Q: You were right there and saw it when it was dead?
 A: I didn't see it die.
 Q: You did see the corpse? A: Yes sir, I went at it and came back with it.
 Q: Did you help bury it? A: Yes sir.
 Q: You knew it was in the year 1905, do you? A: Yes sir.
 Q: Are you friendly with Kaiser, you haven't got anything against him, have you? A: No sir.
 Q: There is no ill feeling between you and Kaiser?
 A: No sir, not a bit.
 Q: The fact of the matter is, his mother and your mother is the same? A: That is what my mammy says.
 Q: You are half brothers, then? A: Yes sir.
 Q: He came to that house where you and your wife and Millie are living with this girl? A: Yes sir.
 Q: What is this girl's name we have been talking about?
 A: Mary.
 Q: You are absolutely sure and you can positively swear that that child Mary died before Christmas can you? A: Yes sir.
 Q: Did they have a funeral at Mary's burial, singing or preaching? A: Yes sir they had singing.
 Q: Who conducted the services? A: I don't know, I think it was Kaiser.
 Q: Who said it was Kaiser? A: I don't remember whether it was Kaiser or not, my wife just told me it was Kaiser.
 Q: Was that funeral before Kaiser got into trouble and ran away? A: Yes sir.
 Mrs. Hattie Wright being recalled, testifies as follows:
 Q: Were you at the funeral?
 A: No sir, it was raining and I couldn't go with the baby.
 Q: Why did you tell your husband they got Kaiser to conduct the funeral, you heard and knew they got him and therefore came to the conclusion he conducted the funeral services?
 A: Yes sir.
 Q: That was before he ran away was it? A: Yes sir.

Buzz Wright being recalled, testifies as follows:

- Q: Did you go to the funeral, Buzz? A: Yes sir.
Q: How did you go? A: Rode.
Q: Horseback? A: Yes sir.
Q: How did you get the child to the graveyard?
A: Took it out in a wagon.
Q: Do you know whose wagon and team it was?
A: My brother-in-law's, Willie Davis.
Q: Did Willie know what time this child died?
A: He ought to know about what time, me and him went after the coffin together, and the child's daddy.
Q: Where did you go for the coffin? A: Boynton, about 5 miles South of our place.
Q: Did they pay for the coffin on that trip?
A: No sir, we got it on the installment plan.
Q: What was the name of the man you got it from?
A: Birds store.
Q: Do you know his first name? A: No sir.
Q: They made an account of it there, did they? A: Yes sir.
Q: How much did he pay that trip you were there?
A: I don't think he paid anything.
Q: Did he give a note or anything?
A: He gave a note for it.
Q: What kind of weather was it when you went to the graveyard? And when you went after the coffin, and went to the burial the next day and after that?
A: It was pretty warm.
Q: Don't you remember the exact month it was?
A: No sir, I don't know exactly, but I am pretty sure it was in September.

I, Julia C. Lovel, do hereby state that the above and foregoing is a true and correct transcript of my stenographic notes as taken at said court on said date.

Julia C. Lovel

Subscribed and sworn to before me
this 14 day of June, 1906.

H. B. Haines
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY,
JUNE 13, 1906.

In the matter of the application for the enrollment of
Jesse Jameson, et-al, as Creek Freedmen.

Appearances: M. L. Nett, attorney for the Indian Nation.
L. W. Culp, Attorney for Applicant.

Green Hadnot being first duly sworn, testifies as follows:

- Q: What is your name? A: Green Hadnot.
Q: How old are you? A: About 60 years.
Q: What is your post-office address? A: Muskogee, I.T.
Q: Are you enrolled as a citizen of any of the Five Tribes?
A: No sir.
Q: You are a state man are you? A: I am up here about three
years trying to get the thing established.
Q: What Nation? A: Choctaw.

Questions by L. W. Culp, attorney for applicant.

- Q: Green, where did you live before you came to Indian
Territory? A: Beaumont.
Q: How long were you at Beaumont? A: I was there 14 or 15
years.
Q: Are you acquainted with Kaiser Jameson, the applicant for
enrollment for his children here? A: Yes sir.
Q: This is the same Kaiser Jameson you knew there?
A: Yes sir, same man.
Q: How long did you know Kaiser Jameson there?
A: Why, I know him at Beaumont and Colemanseal, Texas about
14 years.
Q: How far is Beaumont and Colemanseal apart?
A: It is somewhere in the neighborhood of 40 miles I guess.
Q: During the time you knew Kaiser Jameson did he live at
Colemanseal any time you know him? A: Yes sir.
I was working on the road back and forth, first at
Beaumont and then at Colemanseal.
Q: What doing? A: Working at a saw-mill.
Q: Anything else you knew of? A: Not as I can remember.
I was working on the train and I saw him working around
the saw mills.
Q: What were you doing on the trains? A: I was brakeman.
Q: Were you acquainted with Kaiser Jameson's family?
A: Yes a little, I knew he had a family there, I seen them
and was often to the house.
Q: Did Kaiser Jameson ever have more than one wife that you
know of? A: Well, I don't know, it was reported you
knew that there was a woman he was staying with personally
but not married to her, I don't know how true it is.
Q: Did you know that woman at that time? A: Yes I knew her.

- Q: What was her name? A: Her name was Mandy.
Q: Did you know who she was before she went to live with Jameson, what name her parents were? A: I did know but I don't know it now.
Q: When you knew her, did she pass as Jameson's wife or not?

Objection by Commissioner, question withdrawn.

- Q: I ask you now if you knew her when she was with her parents
A: No sir.
Q: Did you know her only when she was living with Jameson?
A: Yes sir.
Q: What did the family of Jameson consist of when you knew him living with her? A: Well they had a boy there, one child.
Q: Did you ever see that child? A: Yes sir, I have seen it.
Q: Do you know what his name was?
A: The boy, what they called him? I can't think of the boy's name now, knowing it as well as I do, but I just can't think of it now.
Q: Do you know the boy's name? A: I know his name but I couldn't call it.
Q: What name do you mean you know, his first or last name?
A: His last name.
Q: His last name? A: Yes sir.
Q: Do you know his mother's maiden name, is that what you mean? What was the boy's name, do you know any part of it?
A: They called him Jesse I believe. I won't state more than I can think of.
Q: How long did Kaiser Jameson live with this woman do you know?
A: Mandy, I couldn't tell you just exactly.
Q: About how long? A: I suppose maybe 4 or 5 years somewhere along there.
Q: Did you ever know of Kaiser Jameson living with any other woman? A: He married afterwards.
Q: Do you know who? A: He married a woman named Alice Kirkwood.
Q: Did you know Alice Kirkwood's family? A: Yes sir, I was well acquainted with them.
Q: Do you remember the circumstances of his marriage with this woman? A: I don't know what you mean.
Q: Do you remember of hearing of the marriage at the time?
A: Yes sir.
Q: Were you present at the wedding? A: No sir.
Q: How far is Woodville from Colomasneal?
A: I couldn't tell exactly about the distance but a pretty good piece.
Q: What do you mean by a pretty good piece?
A: About 22 or 23 miles maybe.
Q: Did you ever visit the home of Kaiser Jameson when he lived with this second wife called Alice?

Objection by the Commissioner.

Applicant admits that he was not the husband of the first woman, that he was not married to the first woman).

- Q: Have you ever visited the home of Kaiser Jameson when he lived with this second woman he called Alice?
- A: Yes, I used to get off the train there and get water.
- Q: How long did you know Kaiser Jameson when he lived with Alice?
- A: Well I won't state unless I can think of it, it must have been somewhere's about 6 or 8 years, somewhere along there.
- Q: Where did Kaiser Jameson live during this time?
- A: Part of the time at Colemanseal, and the other part of the time in Beaumont.
- Q: Did Kaiser Jameson have any children at his home when you visited him, while he was living with Alice?
- A: He had three there.
- Q: What were these children, boys or girls or mixed?
- A: I remember the little boy, in fact I didn't pay but very little attention to the children. I remember the little boy used to run up and play with me, coming back and forth.
- Q: What were the other two, if you know? A: I don't know they wore dresses. It was the custom down there, the little boys wore dresses until they were 5 or 6 years old.
- Q: Do you know the names of these children? A: I can't tell but one of their names, and his name was Frank.
- Q: Do these three children you are speaking of now, include this boy Jesse, you spoke of a while ago? A: No sir.
- Q: Was he younger or older? A: He was older.
- Q: Did you ever see this boy you call Jesse at the home of Jameson after he married Alice? A: He stayed with him a good while.
- Q: At what place? A: Colemanseal and Beaumont.
- Q: Do you know where Alice Jameson, wife of Kaiser Jameson is now? A: Alice, she is dead.
- Q: Do you remember when she died? A: No, I couldn't exactly remember what month but I remember the time her brother came up on the train with me to the funeral.
- Q: How long ago about? A: I couldn't state exactly how long.
- Q: How long ago, about? A: I couldn't state exactly about how long. I couldn't state, it has been a good long while.
- Q: Can't you give about the year? A: No sir. I would be afraid to give the year because I may be wrong and I may be right, so I will say I don't know.
- Q: How long have you known Kaiser Jameson? A: About 14 years.
- Q: How long did you say he lived with the first woman? Can't you assist yourself in giving yourself some idea when this woman died, when you left there or in any other way to assist us in knowing how long she has been dead?
- A: Alice?
- Q: Yes, Alice. A: It must have been a little over 5 years I think.
- Q: Did you ever see Kaiser Jameson after the death of his wife?
- A: Yes sir, he came and stayed at my place a good long while.
- Q: About how long? A: Well three or four months.
- Q: Then do you know what became of him?
- A: He left there and said he was coming to the territory, I don't know where he went.
- Q: Have you ever seen him since?

A: Oh yes, I have seen him ever since I have been up here off and on, seen him here now.

Q: Is it the same Kaiser Jameson you have seen here today?
A: Yes sir, the same man. Yes sir.

Q: Did you see the two little children he had with him the other day when he was here giving his testimony?

A: I saw them when they were coming up here, that is all I can say.

Q: Could you say whether these children or either of them are the same you have seen down in Texas? A: They look similar, there was a little girl and boy, of course they have grown some.

Q: Did these little children stay at your house when Kaiser was there? A: Yes they stayed there a few days.

A: Now what do you say as to whether they were the same that stopped at your house or not? A: Oh yes they were the same children, both of them.

Q: Do you know anything about the death of one of those children?

A: I didn't hear anything about that thing at all until you was fixing to come up here the other morning, I heard you speaking about it. I think that was to a white gentleman.

Q: That is the first thing you knew of the death?

A: I didn't know a thing in the world about it.

Questions by M. L. Mott, Attorney for Indian Creek Nation.

Q: You stated a while ago that when you went there to this man Jameson's house, that they all were dresses, that you did not pay any attention except to the little boy that you played with him, going back and forth, but you didn't know anything about the sex of the other two? Didn't you make that statement to Mr. Culp a little while ago? A: Yes sir.

Q: That has been 5 years ago, hasn't it? A: It has been longer than that, I was trying to give an estimate of the time his wife died.

Q: You hadn't seen these children until the other day and you told Mr. Culp they are the same children you saw today and you say then, you couldn't tell whether they were boys or girls, how is that? A: They favor.

Q: If you could not tell five years ago whether they were boys or girls and didn't know their names and didn't pay any attention to them, how can you swear they are the same children you knew 5 years ago? A: I was just switching and running back and forth and stopped there to put the water in the tank.

Q: You swore that 5 years ago, you didn't know whether they were boys or girls, you didn't pay any attention to them now you swear to Mr. Culp that you recognized them here now as the same children you saw five years ago.

A: Yes sir, I told him they grewed right considerable.

Q: You stand by that statement that you didn't know them 5 years ago but you knew them the other day and now?

A: I said I knew them 5 years ago.

Q: But you did not know whether they were boys or girls?

A: They claimed he was the same boy but he were dresses.

Q: The other two you didn't know whether they were boys or girls?

A: I don't know, I couldn't say I heard them talking of the boys and girls, but this boy was the next largest one and he seemed to be the pet with the old lady.

Q: You say the other two, you didn't know whether they were boys or girls? And now you say you recognized them?

How long has it been since you saw them down there?

A: I can only make a rough guess, I suppose 5 years ago making

- a rough guess at it.
- Q: How big were they then? A: Well, little boys, little bits of fellows, children like.
- Q: Three years old, 4 years or 5 years old? A: Apparently.
- Q: How old do you suppose they were when you saw them there?
- A: I couldn't say exactly how old.
- Q: About how old were the children?
- A: I couldn't explain that.
- Q: You can give us some idea whether they were 4, 5 or 3 years old? A: Well I don't want to say more than what is true, I don't want to state anything more than what I think is right, what I know is facts.
- Q: How old do you think they were when you saw them there 5 years ago? A: I couldn't tell you exactly to save my life.
- Q: Have you no idea of the age of the child as to the size?
- A: No sir, sometimes a man gets fooled on them. Generally.
- Q: Haven't you got an idea of the age of the children by their size? A: Yes sir, but sometimes a child is pretty good size and it is young.
- Q: But ordinarily? A: The general run, how old do you think in your best judgment, how old do you think these children were when you saw them there 5 years ago?
- A: No sir, I can't answer that question. I don't want to answer anything I don't know for sure.
- Q: Are you certain it has been 5 years ago?
- A: I said somewhere about 5 years ago, yes sir.
- Q: Are you certain it has been as much as 5 years?
- A: Yes, I am certain it has been as much as five.
- Q: Were they all walking and playing around, running about?
- A: Oh yes, they all run around. The least one could run around and play a little.
- Q: You are certain it has been as much as 5 years ago?
- A: Yes sir, I have been up here nearly three years myself.
- Q: What was the youngest one's name?
- A: I couldn't tell you that.
- Q: How old is a child when it walks usually?
- A: I couldn't say that even.
- Q: What is the name of the youngest one?
- A: I couldn't remember to save my life.
- Q: What is the name of the next youngest? A: No sir.
- Q: Is the youngest a boy or girl?
- A: The youngest one, I told you I couldn't tell you.
- Q: Is the second one a boy or girl?
- A: It was supposed to have been a little girl, I don't know.
- Q: Has it been as much as 6 years ago since you saw them there?
- A: I told you I was making a kind of a rough guess.
- Q: You said a little while ago you knew it was 5, are you satisfied it was 6? A: No sir.
- Q: Do you know the second one was a little girl from what you saw 5 years ago, or what you have seen of her since she has been here?
- A: They called them girls, I don't know exactly. I know they all wore dresses.
- Q: You didn't have an opportunity to see them much?
- A: No sir, I was brakeman, switching on the road.
- Q: You just saw them as you went in or out?
- A: Sometimes I had a chance to stop 10 or 15 minutes to get water.

- Q: Now you swore a little while ago this man came and stayed at your house 4 months and the children came and stayed sometime? A: I was talking about up to their place not to my house.
- Q: You say you had no opportunity to see these children and judge of their age and sex because you saw them only when you passed in and out?
- A: When they was to my house, I was railroading then.
- Q: You say he stayed at your house 4 months and the children stayed sometime, and you can't tell whether they are boys or girls and don't know anything about their sex?
- A: I was railroading every day sometimes until 12 or 3 o'clock.
- Q: When you stated then that the only opportunity you had of seeing these children was going in and out to this man's house, that wasn't so was it? A: Well, I was talking about Colemanneal, when I was on the train.
- Q: I asked you what opportunity you had to judge of the age of these children and of their size and of their sex and you said you couldn't know because you never saw them only when you went in and out of this man's house?
- A: I don't want to state more than I can recollect, not a think more in the world, no sir.
- Q: How long did they stay there at your house?
- A: Stay at my house?
- Q: Yes sir? A: I couldn't tell you just exactly.
- Q: About how long? A: I would be afraid to tell that because I might tel a story.
- Q: You stated to Mr. Culp, the man stayed there 4 or 5 months.
- A: He stayed at Beaumont four or five months.
- Q: That he came back there after his wife's burial and stayed four or five months, isn't that what you said?
- A: I understood him to state in Beaumont.
- Q: I understood you to say he stayed at your house 3 or 4 months, did he? A: No sir, I don't think I said that.
- Q: What did you say about that? A: I said he stayed at my house a little while.
- Q: How long, now do you say he stayed there?
- A: I can't say exactly but he didn't stay there but a little while though.
- Q: About how long? A: No, I just got all mixed up I can't explain how long.
- Q: What mixed you up. A: What mixed me up, you had reference to Colemanneal and I was talking about the children.
- Q: Are you mixed about the facts? A: No I am not mistaken on the childrep, or Colemanneal.
- Q: As a fact how long did he stay at your house?
- A: I couldn't tell you exactly to save my life not very long though.
- Q: A month? A: No I don't hardly think he stayed a month.
- Q: Three weeks? A: He stayed at the saloon a good long while.
- Q: Three weeks? A: I couldn't say, I just naturally cant say that.
- Q: How long did the children stay there?
- A: They were back and forth.
- Q: When you brought them to your house after the burial?
- A: They was there to their brother's but they was backwads and forth.

- Q: What do you mean by backwards and forth? A: From their uncle's house.
- Q: You said he stayed there three or four months and the children stayed there a while, what do you mean by that did they board there?
- A: No sir.
- Q: Did he board there? A: No sir.
- Q: What did you mean when you stated he stayed there three or four months at your house?
- A: I had a restaurant over the saloon.
- Q: Did he stay there? A: Sometimes and sometimes to his brother's.
- Q: Did the children sleep there? A: No they slept at Lirkwoods.
- Q: They never did stay at your house then? A: Yes the little girl and boys went to school and came there and stayed a while and played.
- Q: When Mr. Gulp asked you if this man came back and stayed at your house after the burial, and you stated after his wife died he came back there and stayed three or four months, what did you mean by that?

Objection by Applicant's counsel, because the witnesses answer is not stated correctly)

- Q: What did you mean when you stated that Kaiser had stayed at your house three or four months and the children a few days?
- A: At my house? Well I mean Kaiser stayed there but the children were over to their uncle's, they came back and forth to the place.
- Q: You say Kaiser didn't board there, and the children didn't board there, the children didn't sleep there, Kaiser slept there once in a while, what do you mean?
- A: I was running a saloon at that time, Mr. selling whiskey. I had a big restaurant there, Kaiser would come over here and sit around to the saloon at my place and it was about a block back here to my residence, where my wife and children stayed, the children came over there and played sometimes, and Kaiser would stay at this whiskey shop and he laid around there a good little while.
- Q: That is your explanation? A: To the best of my knowledge, I want to explain as near as I can.
- Q: Now Kaiser has given these childrens age in here and you say that it has been 5 years since you saw these children down there, and Birdie the youngest is given in as having been born in 1901.
- A: Well I have no education, I can make mistakes on this I am telling you just as the very nearest as I can.
- Q: She is recorded as having been born not quite 5 years ago. She wasn't born according to this record when you say she was playing around down there at Kaiser's house?
- A: Well I don't know anything about that now, about that part of it.
- Q: Yet you say that is the same child that is here now?
- A: Which this is biggest girl? A: The youngest girl.
- Q: You stated when she was playing around, she was a good sized girl? A: Yes sir.
- Q: That has been at least, you are satisfied, that has been 5 years ago? A: Yes sir.

- Q: Is this the first time you have ever been examined in this case? A: Yes sir, yes sir. The first time I was ever before in here.
- Q: Who came to you and asked you to testify as a witness in this case. A: Kaiser himself. Kaiser got to telling me about bringing these children up here, and asked me if I could remember about his wife, and I told him of course, I could remember about his wife.
- Q: What else did he ask you? A: He said you would make me a good witness, wouldn't you? About remembering, what did he ask you about remembering? A: We said did I remember what time his wife died, did I remember his wife, and I said yes, of course I remembered, a railroad man I could go up there and state what I knew.
- Q: He asked you if you could recollect when his wife died and when he left down there, is that what he asked you?
- Q: He seemed to want to know if I could recollect the day of the month, I couldn't tell anything about that.
- Q: Did he ask you anything about the children? A: Well he did speak about the children, but I disremember now what he did say about the children.
- Q: Do you remember if he asked you if you knew how many children he had? A: We didn't say anything about the amount of children he had.
- Q: Did he in your presence? A: No sir.
- Q: Did he ask you if you knew their ages? A: No sir.
- Q: He didn't ask you anything about them? A: Yes sir.
- Q: He asked you about the number of children? A: Yes sir.
- Q: Did you remember the number he had? A: I told him I remembered about three of them.
- Q: Did he say that was right? A: I dis-remember what he said about that.
- Q: He said you would make a good witness. A: He said I would make a witness to prove that his wife was deceased down there.
- A: Yes I said he could send to Largheres who was sheriff down there to prove that.
- Q: He did ask you if you remembered how many children he had?
- A: He asked me about these children by his wife, yes sir.
- Q: How many there were? Did he ask you how many there were?
- A: No, he didn't ask me how many there were, about all he wanted to know was, did I remember of them.
- Q: Now what did you mean when you said a little while ago that he did ask you about the number of children? Do you know anything about this oldest child? A: I seen the one they call the oldest.
- Q: Did he ask you, if you knew whether he was married to Alice or not?
- A: No sir, it was reported in the neighborhood that he wasn't married to her.
- Q: Didn't you say there was a marriage down there? A: I am talking about Amanda.
- Q: Didn't you say you knew there was a marriage? A: Yes sir.
- Q: When was that? A: I couldn't tell exactly how long ago it has been.
- Q: Was that in Texas?

- A: Yes, that was in Texas.
Q: Did he ask you if you knew anything about his marriage?
A: No sir.
Q: Where are these children now? A: I don't know where they are now.
Q: Can you identify them if I would bring them in here with nine other children of that age, could you pick them out? Same size, do you swear you can pick them out?
A: I can pick out three of them.
Q: When did you see them? A: I saw the little boy and girl since they have been in town.
Q: I thought you stated you only saw them once. Can you pick out the other one? A: No sir.
Q: Why do you say you know they were all three the same children. A: I was talking about the one in Texas and two of them here.
Q: You have seen them frequently then? A: Which?
Q: These three? A: Seen them of course around town for a day or so but not seen them frequently either.
Q: When did you see them last? A: Yesterday. Seen two of them yesterday.
Q: Are you and Kaiser staying together? A: Lord no, no sir
Q: Where is he living? A: Staying at Weirbaugh over here in town.
Q: Did he bring the children with him? A: We had them with him.
Q: Did you see them then? A: Yes sir.
Q: Are they here now? A: No sir, he said he carried them home.
Q: How many times have you seen them in the last six months?
A: I couldn't tell you.
Q: Were you to his house? A: Never in my life.
Q: You have seen them in town here have you? A: Yes, walking around down here.
Q: Who pays you as a witness in this case? A: Nobody on earth. Nobody, no sir.
Q: It wouldn't be anything wrong in paying you a legitimate price as a witness. A: No sir, I never want anyone to pay me for anything like that.

Questions by Commissioner:

- Q: Have you ever seen more than two of these children lately?
A: I didn't see them lately until I seen them here in town.
Q: How many did you see yesterday? A: We.
Q: Have you any time in the last six months seen more than these two? A: My goodness, no.
Q: When you are talking about three children, what other one was there besides these two which you saw yesterday. A: He asked if I could identify three of those children and I told him yes.

Applicants Counsel, Mr. Culp object to treatment of the witness.

- Q: Have you ever seen more than two of those children that you claim are his in this country up here, if you have seen more than two in this country.
A: No sir I haven't seen them at all until recently.

- Q: Have you ever seen more than two of these children in this country? A: No sir.
- Q: What is the third you claim to have seen? A: He was the boy.
- Q: About how old do you think he would be? A: I couldn't tell you. This boy I am talking about now is in Louisiana.
- Q: When is the last time you have seen him? A: Oh, it has been a long while since I have seen him. I couldn't state just exactly how long it has been, a pretty good long while.
- Q: About how long? A: It has been right after --- About five and a half years I suppose, somewhere along there.
- Q: Outside of that boy whom you haven't seen for five and a half years and who is now in Louisiana and these two you saw yesterday with him, did you ever see any other children that were supposed to be his? A: Here one supposed to be his? Yes, I saw the oldest one yesterday and of course there was another one supposed to be his.
- Q: Did you ever see it? A: Yes sir.
- Q: What was it, a boy or girl? A: I couldn't tell you that.
- Q: Where did you see that other child? A: Beaumont.
- Q: Why have you all along talked about only three children? A: All along, he asked me sometime back those three children if I could recognize them.
- Q: Who asked you? A: That gentleman there (Mr. Mott)
- Q: Was one of the three children you have been talking about, that oldest one that is now down in Louisiana?
- A: No sir there was three children besides that.
- Q: Do you know where that third one is now? A: I don't know what you are talking about.
- Q: You have accounted for the oldest one in Louisiana and the other you saw yesterday, where is the third one?
- A: Oh Lord, I couldn't tell you. Couldn't tell you, no sir.
- Q: About all you know about the relationship between Kaiser and that woman Amandy is that it was reported that she was not his wife, is that right? A: Yes sir.

Questions by Mr. Culp, Applicant's counsel.

- Q: Is that all you know about them, do you know whether they ever lived together or not? A: Who lived together?
- Q: Kaiser and the girl you call Mandy? A: Yes they was supposed to. To be together.
- Q: Green, when did you come to Indian Territory?
- A: You mean this last time?
- Q: I didn't know you have been here but once? A: Yes sir.
- Q: How long do you say you have been here? A: Very near three years.
- Q: What month did you come in this last time do you know?
- A: I came up here in June.
- Q: Now do you know what year that was, what number of years, was it in 1901, 2, 3, 4 or 5? A: This is in 4.
- Q: Independent of that, do you know that year it was?
- A: I know it was in 1904 it was.
- Q: The time they had the big dinner in Fishermenge.
- Q: You think that was 1904? Now Green how long before you came up here was it to the best of your recollection that Kaiser Jameson's wife died? A: Do you mean before I came here?
- Q: About how long before you left this last time to come up here?

- A: I could say just exactly.
- Q: About how long Green? A: I don't want to say only what I have an idea of is right.
- Q: Was it months or years? A: Oh it was years.
- Q: About how many? A: I couldn't say really.
- Q: We want the number to the best of your judgment?
- A: I don't want to say any more than I know.
- Q: When do you mean these little children were in dresses when you seen them? When they were with their mother or at your house? A: With their mother. They were in dresses there to except one of those little boys.
- Q: How long did Kaiser Jameson stay in Beaumont after the death of his wife? A: Well he stayed there a pretty good little while.
- Q: About how many months? A: I couldn't say exactly I couldn't say now.
- Q: Well did he stay a year? A: No sir, I hardly think, I won't say directly, I haven't got that kind of a recollection. You gets to talking about months and years that way and I don't know, it takes somebody who can read and write to talk about these things.
- Q: Have you any interest in the outcome of this case here? If Kaiser gets on or not does it make any difference to you?
- A: No sir not a thing in the world, no sir, no sir.
- Q: Are you sure Green, that when you passed the house and stepped at the house of Kaiser Jameson, his youngest child who was afterwards at your house was one of the children running around there? A: Yes sir.
- Q: Are you sure of the number of children you saw over there when you went for water? A: Sometime I saw three or four and sometimes more.
- Q: Do you know whether the little one you saw the other day was the youngest or his second child by his wife Alice?
- A: According to the way it was when I saw them.
- Q: Do you know whether it was the youngest or the next youngest one? A: It was supposed to be one younger than that.

Beauregard Garland being first duly sworn testified as follows:

Questions by Commissioner.

- Q: What is your name? A: B. Garland.
- Q: How old are you? A: I am 28.
- Q: What is your post-office address? A: 308 S. Second street.
- Q: You are not a citizen of the Greek Nation are you?
- A: I don't suppose I am, I came here when I was small but I don't know anything about where I live.

Questions by T. V. Gulp, Attorney for Applicant.

- Q: Where did you come from here? A: About five years ago from South Lake, Texas, about 20 miles from Beaumont.
- Q: Have you ever lived at Beaumont?
- A: Yes sir, a long time.
- Q: How long did you live there? A: About 16 or 17 years I think.
- Q: Did you ever know a man there by the name of Kaiser Jameson? A: Yes sir, I knew him.
- Q: White or colored man? A: He is a colored man dark.
- Q: Have you seen him here today? A: Yes sir.
- Q: Where? A: He was on the outside then.
- Q: Do you mean out in the hall? A: Yes sir.
- Q: How long did you know Kaiser Jameson in Texas?
- A: I knew him off and on for about 12 years, I guess.
- Q: What do you mean by saying you knew him off and on, do you mean you saw him off and on? A: Yes sir.
- Q: Are you acquainted with his family? A: Yes, I knew his family better than him, I was around them more than I was around him.
- Q: Do you know whether Kaiser Jameson was married? A: Yes sir He was married so they all say.
- Q: Did you hear of the marriage ceremony at the time?
- A: I wasn't at the wedding but I was in the town.
- Q: Do you know the name of his wife? A: Yes sir.
- Q: What was her name? A: Alice Kirkwood.
- Q: Did you know this Alice Kirkwood before she married this man Jameson? A: No sir, I didn't know her before he married her.
- Q: How long did you know her after she was married to Jameson?
- A: I guess I knew her about 12 years, something like that.
- Q: Did you know Jameson before he was married?
- A: Yes sir, I knew him before he was married.
- Q: Did he live with any other woman than Alice, prior to his marriage with Alice? A: Yes sir.
- Q: Of your own knowledge do you know of him living with any other woman? A: Yes sir.
- Q: Do you know the name of the woman? A: They called her Mandy Jameson.
- Q: How long did you know of him living with her?
- A: About three or four years, I reckon.
- Q: Do you know whether or not there were any children born to Jameson and this girl you call Mandy Jameson?
- A: Yes, they had one little boy they said was theirs.
- Q: Who said? A: Jameson said. Yes, Jameson said he went by the name of Jesse Jameson.
- Q: Have you ever seen that little boy? A: Yes sir I have seen him.
- Q: About how many times? A: On several times.
- Q: About how old is that little boy now if he is living?
- A: Well I don't know exactly.
- Q: I didn't ask you exactly, about how old?
- A: About 12.
- Q: Where was Kaiser Jameson married to Alice if you know? Or supposed to have been married to Alice?
- A: He was supposed to have been married to her at some little town up the road.

- Q: Do you know the name of it? A: At Colemanseal, he was supposed to have been married at.
- Q: Did he live at Colemanseal after his marriage, do you know?
- A: Yes sir, he lived at Colemanseal after he was married but a short time, I don't think it was very long.
- Q: Then where did he go? A: Back to Beaumont, Texas.
- Q: Did you live at Beaumont at that time? A: Yes sir.
- Q: What were you engaged in at that time?
- A: I was working as a porter.
- Q: You say you knew his wife Alice? A: Yes sir.
- Q: Do you know where she is now? A: They say she is dead now I guess she is dead.
- Q: What do you mean by they say? A: The people. I wasn't in town when she died but she is dead, I haven't seen her since.
- Q: About how long ago did she die, about how long ago.
- A: Just as nearly as you can get at it, as quick as you can?
- Q: About three or four years I reckon.
- Q: Did you see Kaiser Jameson down there after his wife's death, did you ever meet him down there after his wife's death?
- Q: I believe I remember of seeing him once after that.
- Q: Do you know when he lived there? A: He has been away about three or four years since I saw him until now, somewhere along in that neighborhood.
- Q: Have you ever been to his house while he was living with his wife Alice? A: Yes sir.
- Q: Do you know how many children he had by this woman Alice?
- A: No sir, I couldn't say, well I don't know very much about the names but I think they called the oldest boy Frank and they had two girls, Mary and Birdie. Birdie is the youngest one.
- Q: Have you seen the children since they have been here?
- A: Yes sir.
- Q: How long has it been since you saw them down there until you saw them here? A: They were small when I seen them.
- Q: How big was this little girl you call Birdie?
- A: She was the youngest.
- Q: Birdie, how old was she? A: Pretty small.
- Q: About how old would she be? A: About three years old somewhere along in that neighborhood.
- Q: Did you say Mary was elder or younger than this one?
- A: She was elder.
- Q: About how old was she at the time you saw her?
- A: She was between the age between Frank and Birdie, I don't know her age, her date and that.
- Q: About how old is Frankie?
- A: About how many years old do you think Frank was when you knew him?
- A: He looked like he might have been 6 or 7 somewhere along there.
- Q: Did you see all three of these children here the other day?
- A: No sir, I only saw two of them here with their sister-in-law.

- Q: Do you know whether the one you call Frank was here the other day? A: Yes, he was here the other day.
- Q: Can you tell whether the little girl that was here the other day, independent of the fact that she was here with her father, could you tell that it was the same little child you saw down in Texas?
- A: Yes sir, I didn't see very much difference, only she was a little larger, she knew her name same as before.
- Q: Could you tell positively that it was the same little tot you saw down there?
- A: She looked the same, she looked so much alike she must be the same as far as I knew she was the same.
- Q: Have you ever heard anything about what became of Mary the second child? A: No sir, I hadn't seen them for three or four years.
- Q: What became of that boy Jesse, if you know or where he is?
- A: They say he went back to his mother somewhere, I don't know where it was exactly.
- Q: You say, "they say" do you mean Jameson or the people?
- A: The people.
- Q: Did you ever see Jesse with his reputed father as you say he is? A: Why yes, he was with his father and mother.
- Q: With his father and mother when?
- A: When I first saw him.
- Q: Did he ever live at Jameson's house after Jameson married Alice? A: Not as I know of, I don't remember of seeing him there. After they married I never seen him there.
- Q: How old is Kaiser Jameson? A: Well, I don't know.
- Q: About how old do you think he is?
- A: Well I would think about 35 or something like that.

Questions by Commissioner.

- Q: How long has it been since you first saw Kaiser Jameson and these children and the woman Alice in Beaumont?
- A: About 12 years since I first seen him her.
- Q: How long has it been since you first saw these children?
- A: The children of his wife?
- Q: Yes sir? A: Why, it has bee about, I have seen them off and on ever since they was large enough to see.
- Q: You say it has been 12 years since you first saw Jameson and Alice? A: No sir, not since I first seen Jameson but since I saw him with his last wife.
- Q: How long since Jameson and Alice were married?
- A: I don't know the date at all.
- Q: About how long? A: Well it has been along about on to 12 years. Yes somewhere along about that, I can't tell to the days.
- Q: That is Jameson and Alice? A: Yes sir.
- Q: How old is this youngest child? A: I don't know sir.
- Q: How old is this second one?
- A: I don't know sir.
- Q: About how old? A: Well I think it was the age between somewhere about, I don't know exactly.
- Q: This girl you saw here the other day? A: Well, I would think she was about 7 years old maybe. I would think she is about that old.

- Q: Seven years old? A: I would think she is about that old.
Q: How many children did they have when they were at Beaumont?
A: I only knew three.
Q: If the youngest one were living now how old would it be?
A: The youngest one I knew anything about was the one I seen here.
Q: How old is the youngest one you saw here?
A: I don't know for certain I thought she is about 7 years old
Q: Do you remember of seeing her seven years ago?
A: I reckon it was about that long ago, I don't know for certain but I am making a rough guess of it, I don't know the exact time.
Q: They were all three living then were they?
A: Yes, they were all three living then.
Q: You think to the best of your knowledge that Birdie was living 7 years ago? A: Yes sir.
Q: How old would Mary be? A: I don't know sir.
Q: If she were living how old would she be? A: I don't know sir.
Q: How long since you first saw Mary?
A: Well I don't know exactly the amount of years when I first seen her, I didn't think I would have to know it and didn't keep tract of it.
Q: Mary was older than Birdie? A: Yes, she was the middle child.
Q: That is the one that died? A: Well, I didn't know she was dead, it has been three or four years since I had seen any of them until 5 or 6 weeks ago?
Q: How old is the oldest one, Frank?
A: About 10 years I guess, somewhere along there I guess.
Q: You say it has been about 12 years ago since Jameson and Alice married? A: Not the date, but about the time.
Q: Do you remember when Alice died? A: I wasn't there when she died, I heard she did and haven't seen her since.
Q: Where were you? A: I was in town but not to the funeral or anything.
Q: How long ago has that been? A: Well, it has been about 4 or 5 years somewhere about that.
Q: Did Jameson stay there after Alice died?
A: I didn't stay there longer myself.
Q: How long did you stay? A: I didn't stay but a short time after she died. I left myself.
Q: Have you been back since?
A: Yes I was there about a month and a half altogether.
Q: Well did you see Jameson there after Alice died?
A: I think I seen him once after Alice died?
Q: What were you doing? A: I wasn't doing anything when I saw him.
Q: Do you know whether he lived there or not? A: No sir.
Q: How come you to be a witness in this case?
A: I knew him and after I met him he told me he went home and I said what for. He said you know my kids don't you and I said yes I used to know them and I asked where they were and he said there were here.

- Q: When was that? A: The first of the week.
Q: How long since you had seen the children?
A: I suppose three or four years ago.
Q: You hadn't seen the children since Alice died in Beaumont had you? A: No sir.
Q: Hadn't seen any of them since? A: No sir.
Q: Until this week? A: Yes sir.
Q: Now are you willing to state on your oath that these are the same children you saw four years ago? A: No sir, they look the same, I couldn't say they were the same, they look the same.
Q: Do you think it is probable for a man seeing children 2 or 3 years of age and seeing them four years afterwards, do you think it is probable to recognise them?
A: I think if a person know them pretty well at the time if they were not disfigured or any mark on them in any way
Q: You think if they were not disfigured or any marks on them you would recognise them? A: Yes sir.
Q: You say you will not positively state these are the same children you saw four years ago? A: I say they look the same.
Q: What opportunity did you have of seeing them down there?
A: They didn't live very far from me.
Q: Saw them frequently? A: Yes, I saw them off and on.
Q: How many times did you see them this week? A: I seen them twice I believe.
Q: Is there anything peculiar about either of them?
A: No sir, not more than they grewed a little.
Q: Do you think you could pick them out of a bunch of a dozen children of the same size? Of the same color?
A: Yes sir.
Q: Do you think you can from what you saw of them this last week? A: Yes sir.
Q: Which is the darkest of the two? A: Frank is the darkest
Q: Who told you the names? A: I knew their names all the time. Everybody else called him Frank.
Q: What did they call the baby? A: Birdie.
Q: How old was Birdie when you saw them last? A: I don't know exactly, I suppose she was 3 or 4 years old.
Q: When you saw her? A: Yes sir.
Q: When you saw her last? A: That is about her age.
Q: That was in Beaumont? A: Oh yes, But I saw her this week but I mean before now.
Q: When you saw her at Beaumont she was three or four years old? A: Yes, that is what I thought.
Q: And it has been four years since you saw her?
A: About I guess.
Q: Do you know when Mary died? A: No sir, I don't know when Mary died.

Questions by Mr. Culp/ Attorney for applicant.

- Q: Did you know Kaiser Jamesen's wife Alice real well?
A: Yes, I knew her pretty well.
Q: How well now? A: I have been in her company several times.
Q: After she was married? A: Yes sir.

- Q: Do you remember when this little child Birdie was born?
A: No sir, I don't know exactly when it was born.
Q: I don't mean the date when she was born, do you remember of hearing of it at that time? A: Yes sir, I saw her a short time afterwards.
Q: How long? A: Three or four months.
Q: Were you at their house shortly after she was born?

- Questions by Mr. Mott, Attorney for the Creek Nation.
Q: Were you ever indicted for anything? A: Yes sir, I have been indicted.
Q: What for? A: Striking a boy.
Q: Anything else? A: Not anything else.
Q: Never been indicted for anything else? A: No sir.

Questions by Mr. Gulp, attorney for applicant.

- Q: Was there any feeling between you and Kaiser on account of this boy? A: No sir.

Kaiser Jameson being first duly sworn, testifies as follows

Questions by Mr. Gulp, Attorney for Applicant.

- Q: Has this little girl Birdie been in school?
A: About two weeks at Bush, Texas.
Q: Country school? A: Yes sir.
Q: Do you know who her teacher was? A: Henry Scott.
Q: Do you know where he is now? A: No sir, I don't know where he is now.
Q: Kaiser I want to ask you how you came to live with this woman you call Amanda, how you came to take her into your home, what your purpose in doing so was?
A: Just taking her up and living with her.
Q: How long did you intend to live with her? A: I didn't decide how long I was going to live with her.
Q: Did you have any intention to live with her as your wife?
A: Yes, in the start I did intend to live with her as my wife.
Q: Did you take up with Amanda to take her as your wife or to live with her? What did you intend to do with her?
A: To live with her as my wife and take care of her.
Q: How did you come to leave her and take up with this other woman? A: I liked her the best and turned her down for Mary.
Q: How did you come to do that was there any particular reason?
A: No sir, I just liked her the best.
Q: Was any steps taken in law to give her up? A: No sir.

- Q: Who married you to Alice Jameson? A: A fellow by the name of Crane, a Baptist preacher.
- Q: Where were you married? A: Beaumont.
- Q: Did you take out a license? A: Yes sir.
- Q: Who did you get the license from? Did you get it from an officer? A: Yes sir.
- Q: What officer? A: I don't know.
- Q: Was he the Governor or what was he.
- Q: What office did he held in the county? A: He was the Clerk.
- Q: Clerk of what? A: Court house is all I know.
- Q: How many years were you old when you left here.
- A: I was between 17 and 18 years old.
- Q: How long were you away before you returned?
- A: About the sametime.
- Q: How long were you in Texas before you took up with Amanda Goda? A: I was there too, but I don't know exactly how long I was there.
- Q: Let us get through with this.
- A: I was there about 4 years I guess.
- Q: Well what was your understanding relative to marriage. When you took up with Amanda Golding and went to live with her what did you understand was required of a person when he married her? A: I don't know.
- Q: Did you know what had to be done to get married?
- A: Yes sir, but it was a sort of a habit.
- Q: What was a sort of habit? A: Living with her.
- Q: Was it the habit before you left? A: Yes sir.
- Q: Do you know any others in that country that did the same thing you did at that time? A: I knew lots.

Counsel would like to introduce latter, documentary evidence of the marriage of Kaiser Jameson and Alice Durham. Kirkwood was her first name. Alice Durham Kirkwood

- Q: I will ask you if any of these children you had was by her former husband? A: No sir.
- Q: Did she have any children by a former Husband? A: No sir

Counsel would also like to introduce, if it can be gotten, documentary evidence of the birth of this child in the form of an affidavit from the doctor, not the doctor who attended on the child, but the doctor who waited on the family and treated the child during the various years he was there, and at the death of the mother. Also further evidence as to the death and burial of this child.

- Q: Do you know Kaiser who dug the grave in which your child was buried? A: No sir, I don't know, I seen the fellow w he said he would do it.
- Q: What is the name of the man?
- A: Chief Farris.
- Q: Have you seen him since this examination we had the other day. A: He was here yesterday but he got away.
- Q: Can you produce him as a witness here? A: Yes sir I guess so.

Questions by the Commissioner.

- Q: Kaiser if you claim you were living with this woman as your wife why did you leave her?
A: I got tired of her.
Q: Did you get a divorce? A: No sir.
Q: Did you any formal act except other than leaving her?
A: Yes sir, I just left her. I liked this other woman.
Q: You don't claim to have been married to her? A: No sir I haven't been married to her.
Q: Who got the coffin for your child Mary? A: I got it.
Q: Did anybody go with you? A: Yes sir.
Q: Who? A: Willie Davis.
Q: Anybody else? A: No sir.
Q: Have you a half brother named Buzz Wright? A: Yes sir
Q: Did you and he have the same mother?
A: Yes sir.
Q: Didn't Buzz go with you after that coffin? A: No sir.
Q: Are you sure of that? A: Yes sir.
Q: Why did you leave the Creek nation? A: I just wanted to leave, I didn't leave for any cause.
Q: Did you ever live in Beaumont, Texas? A: Yes sir
Q: How long did you live there? A: Off and on about 16 years
Q: 16 years? A: Yes sir. Went off and stayed a while and then came back again.
Q: How long did you live in the state of Texas altogether?
A: Nearly 17 or 18 years.
Q: Right straight along? A: Yes sir.
Q: Why did you leave Texas? A: I left after my wife died I just thought I would come back here.
Q: Did you have any other reason? A: No sir.
Q: You didn't remember yesterday from whom you bought that coffin, do you remember today? A: I didn't know any of those people there.
Q: Was that a store? A: Yes sir.
Q: What town? A: Boynton.
Q: Willie Davis went with you? A: Yes sir.
Q: Was anybody in the store at the time you bought it?
A: No sir, the undertaker.
Q: Did you pay him for it on the spot? A: No sir, I didn't pay him on the spot.
Q: Did you give him a note? A: I gave him a note.
Q: Any security or mortgage? A: Willie went my security.
Q: How much was the coffin? A: I have forgotten now, I couldn't tell exactly now.
Q: About how much? A: I say I can't tell.
Q: Can't you tell? A: No sir, I can't.
Q: Couldn't you tel whether it was a \$1000 a \$100 or \$200
You know of course it wasn't a thousand.
A: It was either eighteen or twenty dollars.
Q: Have you paid for it since? A: My father gave me money to pay for it but I haven't paid for it.
Q: The coffin has never been paid for has it? A: Yes, it has been paid for.
Q: Who paid for it? A: A fellow by the name of Dallas McGivens.

Q: Why did he pay for it? A: He was just a relative.
Q: How much relation is he? A: His cousin.
Q: What kind of weather was it when you went after that coffin?
A: Pretty cold.
Q: Did you wear an overcoat? A: No sir, I didn't have any.
Q: Did you wear gloves? A: No sir, I didn't have any gloves.
Q: Did you wear a coat? A: Yes I had a coat.
Q: What kind of a hat did you wear, one like you have now?
A: Yes sir.
Q: You are sure it was pretty cool are you? A: Yes sir.
Q: Was it good weather or bad weather?
A: It couldn't have been good if it was cool.
Q: What do you mean by cool, cold? A: Yes sir.
Q: When you say it couldn't have been good, you mean it was so cold it could not have been good weather?
A: Sometimes it is colder than others.
Q: Was it storming? A: No sir.
Q: Was the sun shining? A: No sir, it was cloudy that day.
Q: Did you ever hear of it being cool or cold in September or August in this country? A: I didn't know whether it was cold last August, I didn't pay much attention to it. I hadn't been here for so long.
Q: Have you ever been indicted here or in Texas for any offense?
A: No sir.
Q: And never have been tried for anything? A: No sir.
Q: Do you understand the nature of an oath? Do you know what it means when you stand up and hold up your hands? A: No sir, I don't know anything about it.
Q: Do you understand what will happen to you if you will deliberately and willfully falsify under oath? A: I suppose I would violate the law.
Q: Do you know what the penalty would be? A: No sir.
Q: Didn't you ever hear that was a penitentiary offense?
A: I know that.
Q:
By Mr. Culp, counsel for applicant. the
Q: Kaiser you said your father gave you money--how long after the burial or was it before? A: After the burial.
Q: How long after the burial? A: I don't know exactly how long.
Q: I don't care for the exact date, about how long?
A: It might have been a week or more afterwards.
Q: Where were you when he gave it to you? A: Across the river.
Q: What do you mean, across the river? A: At his place.
Q: Do you know where he got the money? A: No sir.
Q: Did he give it you as soon as you asked for it?
A: Yes sir.
Q: Did you ever ask him for it before? A: No sir, I never ask him for it before.
Q: Did you ever give it back to him? A: No sir.
Q: Did your father owe you anything at that time? A: Yes sir. He owed me at that time.
Q: What did he owe you at that time? A: He had got money from me.

Where did you get it? A: I had some.

Q: Where did you get the money you had if you knew?
A: Sold the land.

Q: Who sold it? A: I did.

Q: Kaiser did you make the sale of that land?

A: He and my father made the sale of it.

Q: You were asked what brought you back from Texas, was your land sold before you came back or not?

A: Yes sir.

Q: Did you know it? A: No sir, I didn't know until I came back.

Q: When did you find it out after you got back? A: He told me as soon as I got there.

Q: How long were you here before you saw your father?

A: About 4 days I guess.

Q: Did you know where your father lived when you got here?

A: No sir.

Q: Had you ever written him any letters? A: No sir.

Q: How long were you here before you went to your father's house to live? A: I was here about two months before I went there to live.

Q: Where did you live? A: I stayed at the Creeks hotel.

Q: Did you see your father during that time?

A: I drove back and forth during that time.

Q: Who did your father sell that land to? A: C. W. Bradley.

Q: How much money did you get out of that land?

A: I got \$550.

Q: Who gave that to you? A: The Iowa Land & Trust Company.

Q: Do you know where they got the land, who they got it from?

A: They got it from me.

Q: What became of C. W. Bradley's claim on it?

A: I think that is in a law suit, I don't know how they made it.

Q: Had your father already received any money from Bradley?

A: Yes sir.

Questions by Commissioner:

Q: Kaiser did you ever see the deed to that land? A: Yes sir

Q: To whom? A: The Iowa Land Company.

Q: You stated a minute ago that the land was sold before you came here? A: They claim it was.

Q: Do you know anything about who signed that deed?

A: It must have been my father they got him for it.

Q: The fact of the matter is you didn't know you had any land did you? A: No sir.

Q: You wasn't living here June 28, 1898? A: No sir, I don't expect I is.

Q: That would be eight years ago? A: No sir.

Q: How did you happen to come back to the territory?

A: After my wife died and had no one to raise the children I took them home.

Q: Do you intend to go back to Texas? A: No sir.

Q: Did you ever draw any money from the Creek nation? A: No sir, I never drew any money.

Q: You don't know if your name is on the 90 or 95 roll?

A: No sir, I don't know anything only what they told me.

- Q: The other day in your testimony didn't you state you drew one payment?
- A: No sir, I was here during one payment. I don't know whether they got it or not but it was due them when I was here.
- Q: About how many years ago was that payment? A: That has been about 21 years as near as I can come at it.
- Q: Do you know what that payment was called? A: No sir, I don't know what it was called, I know they brought up the big war at that time?
- Q: How much did they pay at that time? A: I heard they were to pay \$14 a head, that is what I heard.
- Q: Is the only payment you know anything about was the one that was made about the time of the Speeka(?) war?
- A: Yes sir. There must have been some difference about it or a fight about it, I couldn't understand it.
- Q: Did you ever write any letters to your father when you were in Texas? A: Never did.
- Q: Never heard from him from the time you left 14 years ago?
- A: No sir.
- Q: When you started back to the territory you didn't know whether he was living or not? A: No sir.
- Q: What did you intend to do here? A: I had lots of relatives here.
- Q: When you left Texas you didn't know whether you were going to make this your home or not? A: Yes, I intended to make it my home.
- Q: How did you intend to make it your home? A: Farming.
- Q: Where did you intend to get any land to farm?
- A: I couldn't tell until I got here.
- Q: As far as you knew at that time, you had no land did you?
- A: No sir, as far as I knew I didn't.
- Q: Well did you intend to rent from someone?
- A: Yes, if I couldn't get on my same old home, I intended to rent.
- Q: Do you know how many brothers or sisters you have?
- A: No sir.
- Q: Do you know the names of any of them? A: Yes sir.
- A: Any full brothers or sisters? A: I haven't nary one.
- Q: Now give me the name of one of your half brothers or sisters
- A: Jessie Jameson.
- Q: Is that a boy or girl? A: Boy.
- Q: Is he living? A: No sir. He is dead.
- Q: When did he die? A: He has been dead about a month.
- Q: How old was he? A: A: I don't know exactly.
- A: About. A: About 21 I guess.
- Q: Well another one? A: Calvin Jameson.
- Q: Is he living? A: No sir he is dead.
- Q: When did he die? A: I don't know exactly when he died.
- Q: About when? A: I believe in November or December. November I think, I am not certain.
- Q: What year? A: 1905.
- Q: ~~Was there another brother or sister?~~
- Q: What others? A: Silas Jameson.
- Q: Is he living? A: Yes sir.
- Q: How old is he? A: I don't know sir.
- Q: About? A: I couldn't tell.
- Q: Any others? A: Dan Jameson.
- Q: How old is he? A: I don't know sir, I don't know any of their ages.
- Q: Did Dan ever have any other name? A: Not as I know of.
- Q: How do you know you had a brother Dan, did you ever see him? A: I saw him every day.
- Q: Had you ever seen him before your return to the Creek Nation here? A: No sir.

Q: sir.
Q: That is the only way you know? A: Yes sir.
Q: Any others? A: Floyd Jameson.
Q: How old is Floyd? A: I couldn't tell.
Q: About? A: I don't know sir.
Q: You only know that he is your brother as you do of Dan?
A: Yes sir.
Q: Any others? A: Mundy Jameson?
Q: How old is he? A: I don't know sir.
Q: Any others? A: Stanford Jameson.
Q: Any others? A: That is all the boys, I believe.
Q: Now give me the girls. A: Harriet Jameson.
Q: Is she living? A: No sir.
Q: When did she die? A: I don't know when she died.
Q: Was she living when you went away to Texas?
A: Yes sir.
Q: Any others? A: Dinah Jameson.
Q: Is she living?
A: Yes sir.
Q: What is her name now?
A: Her name is Dinah Griffins I think.
Q: Any others? A: Mariah Jameson.
Q: Was she ever called anything else?
A: She has been married.
Q: Was she ever called anything else besides Mariah?
A: Not as I know of.
Q: Any others? A: Rosie Jameson.
Q: Is she living? A: Yes sir. She has been married to I don't know what her name is.
Q: Did you ever hear of a person called Harry Colbert? A: Yes sir.
Q: Who was that? A: That is Jim Colberts.
Q: Did you know Harry before you left for Texas?
A: No sir.
Q: Did you know him before you heard of him? A: No sir.
Q: Are you any kin to Harry Colbert? A: Not as I know of.
Q: Is Harry Colbert any kin to Gabriel Jameson? A: I don't know sir.
Q: Did he live with him? A: Yes sir.
Q: Had he left home before you came from Texas? A: I never heard of it. He was with them when I was up there.
Q: Is that all the brothers and sisters now? A: Pauline Jameson.
Q: How old is Pauline? A: I don't know.
Q: Was she here when you left? A: No sir.
Q: You have only heard of her since you came back? A: Yes sir.
Q: Was she older or younger than Simon? A: They were twins.
Q: What Creek Indian town do you belong to? A: Wybeck.
Q: Didn't you hear of the name of the Creek Indian town you belong to other than Wybeck? A: No sir.
Q: Did you ever hear of Fannie Jameson? A: Yes sir.
Q: Did you hear of her before you went away to Texas?
A: Yes sir.

- Q: She is not your mother? A: No sir, my step-mother.
Q: Do you know her name before she was married? A: Yes sir.
Q: What was it? A: Bruner.
Q: What was the name of her father?
A: I don't know sir.
Q: What was the name of her mother? A: Elisa.
Q: When did you hear that? A: Before I left here.
Q: Is Fannie living? A: Yes sir.
Q: Is she ~~ix~~ living with Gabriel Jameson now? A: Yes sir.
Q: Did you state yesterday the name of your fathers father?
Q: Gabriels father? A: I didn't know his father.
Q: Do you know his mother? A: Yes sir.
Q: What is her name? A: Sarah Charles.
Q: What was her other name? A: I don't know sir it must
be Jameson.
Q: You didn't know her maiden name? A: No sir.
Q: Do you know the name of her owner? A: No sir.
Q: I heard them say it was McIntosh.
Q: Were you ever a slave? A: No sir.
Q: Was your father ever a slave? A: They say he was.
Q: Did you hear who his owner was? A: McIntosh.
Q: What McIntosh? A: I don't know what McIntosh.

I, Julia C. Laval, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me
this 14 dday of June, 1906.

W. H. Laines
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, August 9, 1906.

In the matter of the application for the enrollment of
Jesse Jameson, et al., as Creek freedmen.

BUZZ WRIGHT, being duly sworn, testified as follows:

- Q What is your name? A Buzz Wright.
Q What is your age? A I think about 23.
Q What is your post office address
Q You are the Buzz Wright who appeared here on June 12, 1906
and testified in this matter are you? A Yes, sir
Q Were you notified to come in here today? A Yes, sir I was
notified to come Monday but couldn't come here until today.
Q Who notified you? A Stidham I think.
Q Did he state that he was working for the Creek Nation? A Yes, sir
Q Did he tell you what he wanted? A Yes, sir
Q What did he say he wanted you to do, wanted you as a witness in
the Keizer Jameson case--do you know anything further in this
matter than what you testified to when you were here before? A
No, sir
Q You are acquainted with Kaiser Jameson are you? A Yes, sir
Q I believe you testified in regard to his child Mary didn't
you? A Yes, sir
Q Do you remember as to when she died? A I believe it was in
September.
Q Of 1905? A Yes, sir
Q How old was she when she died? A I don't know; looked to be
about 6 or 7 years old--good sized girl.
Q Who was the mother of this child? A I don't know.
Q Do you know where the child was born? A In Texas I think
Q Where did she die? A At Lee.
Q Did you help bury it? A I was at the burial but didn't help
bury it.
Q You testified that a man by the name of Kuzee conducted the
burial services is that right? A Yes, sir
Q You are sure he was there? A Yes, sir he was there.
Q When did he go back to town? A It was right after the funeral
when I found out he had gone.
Q Did he live there for some years prior to that funeral?
A I was acquainted with him a year or a little over.
Q Did he live there for a year or a little over before the
funeral and then go? A Yes, sir.
Q When did he go away, do you remember? A In September or October
I think.
Q He went away in the latter part of the year 1905, did he? A Yes
Q You are sure that funeral was in the fall of the year? A Yes,
sir but exactly what month I don't know.
Q It wasn't in the spring? A No, sir
Q Has it been several months ago? A Oh yes, sir, it has been from
September or October up to this time; bound to be a good while.
Q Been pretty near a year? A Will be a year in September or October
but I don't know positive which of them months.
Q Where is Kaiser Jameson now? A I don't know where he is now.

Q And he was living at Lee when this child died? A Yes, sir.
Q Do you know when Kaiser Jameson first came to the Territory?
A Yes, sir
Q When did he first come to the territory? A I think it was July or August 1905.
Q How long after he came to the territory before Mary died? A He came in July or August and Mary died in September or October.
Q Two or three months afterwards? A Yes, sir bound to be.
Q Do you know how many children he had with him? A Yes, sir
Q How many did he have? A Three.
Q What were their names? A Mary and I forget the other two.
Q Do you know whether he had ever been in the territory before? A Yes, he is my half brother.
Q Was he born in the territory? A My mother says he was. He is older than me.
Q How old is Kaiser? A I don't know exactly.
Q Considerably older than you? A Yes, sir.
Q Do you think he is as much as 38? A Somewhere along in 30; I don't know exactly.
Q Somewhere between 30 and 40? A Don't think he is 40.
Q How many years did he live in Texas? A I think 15 or 16 years.
Q Do you know when he left the territory? A No, sir I was quite small when he left.
Q How small were you when he left? A About 2 or 3 years old I guess
Q When did he come back to the territory to live? A In 1905.
Q Then he must have been down there in Texas for nearly 30 years wasn't he? A I think so.
Q Do you know anything about whether he was ever enrolled as a citizen of the Creek Nation? A I don't know anything about it.
Q You don't know whether he ever lived in this nation from the time you were two years old until 1905 do you? A I only know what my mother said. I heard her talk about it that she had a son that went away.
Q What else did she say about it? A Nothing else.
Q Did she ever tell you he was down in Texas? A Yes, sir; she said she heard he was in Texas.
Q When he came back was your mother living? A Yes, sir she is living now.
Q Did he come back and live with her? A Yes, sir
Q Did she recognize him as her son? A Yes, sir
Q Was he married several times? A He had been married once when he came home.
Q You don't know who the mother of this Mary is do you? A No, sir
Q Don't know whether she was a citizen or not? A No, sir
Q Do you know a former wife of his by the name of Amanda Golden?
A No, sir
Q Has he a wife now? A Yes, sir
Q What is her name? A Parlee Jameson.
Q Do you know whether he was divorced from Alice Jameson or Amanda Golden? A No, sir
Q Do you know whether he was ever married to this woman? A He is married to this woman now.
Q But you don't know whether he was married to those others? A No, sir.
I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 11 day of August 1906

Anna Garrigues
Edmund M. ...
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jesse Jameson and Mary Jameson, deceased, as Creek freedmen.

D E C I S I O N.

The record in this case shows that on June 11, 1906, application was made, in affidavit form, for the enrollment of Jesse Jameson, Frank Jameson, Birdie Jameson and Mary Jameson, deceased, as Creek freedmen, under the provisions of the act of Congress approved April 26, 1906. Testimony was taken in this matter on said date and further proceedings were had June 12 and June 13 and August 9, 1906. The affidavit of Charlie Porter, M.D. executed on the 27th. day of May, 1906, is attached to and made a part of the record herein. The matter of the application for the enrollment of Frank Jameson and Birdie Jameson is made the subject of a separate decision.

It appears from the evidence and the records in the possession of this office that the applicant Jesse Jameson is the minor child of Kaiser Jameson, a duly enrolled citizen of the Creek Nation, whose name appears upon a partial schedule of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite number 2302, and Amanda Golden, a non citizen; that said Kaiser Jameson and Amanda Golden were never lawfully married, although they lived together for about three years, during which time, viz; the year 1894 the said Jesse Jameson was born; that said Jesse Jameson has never resided in the Creek Nation and has never been recognized by the Creek Tribal Authorities as a citizen thereof. The aforesaid Kaiser Jameson is identified as the identical person as the Kaiser Jameson whose name appears on the 1890 authenticated roll of the Creek Nation, Arkansas Town.

The weight of the evidence shows that Mary Jameson, deceased, is the minor child of said Kaiser Jameson and Alice Jameson, his non citizen wife, and that she was born in March 1899 and died subsequent to July 2, 1900 and prior to March 4, 1906, although there is evidence tending to establish the date of her death as being March 16, 1906.

The act of Congress approved April 26, 1906 (34 Stat. 137) provides in part as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the

records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application."

Sec. 2. "That for ninety days after the approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

It is, therefore, ordered and adjudged that the applicants Jesse Jameson and Mary Jameson, deceased, are not entitled to be enrolled as Creek freedmen under the provisions of the act of Congress above quoted and the application for their enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory.

FEB 6 1907

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Frank Jameson and Birdie Jameson as Creek freedmen.

D E C I S I O N .

The record in this case shows that on June 11, 1906, application was made, in affidavit form, for the enrollment of Jesse Jameson, Frank Jameson, Birdie Jameson and Mary Jameson, deceased, as Creek freedmen, under the provisions of the act of Congress approved April 26, 1906.

Testimony was taken in this matter on said date and further proceedings were had June 12 and 13 and August 9, 1906. The affidavit of Charlie Porter, M.D. executed on the 27th. day of May 1906 is attached to and made a part of the record herein. The matter of the application for the enrollment of Jesse Jameson and Mary Jameson, deceased, is made the subject of a separate decision.

The weight of the evidence shows that Frank Jameson and Birdie Jameson are the minor children of Kaiser Jameson, a duly enrolled citizen of the Creek Nation whose name appears upon a partial schedule of Creek freedmen approved by the Secretary of the Interior, March 13, 1902, opposite number 2302, and Alice Jameson, his non citizen wife, and that they were born in lawful wedlock.

The weight of the evidence further shows that Frank Jameson was born in the month of September 1896, and Birdie Jameson on the 29 day of July 1901, and that they were both living on the date of the last proceedings had herein.

The act of Congress approved April 26, 1906, (34 Stats., 137) provides in part as follows:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

It is, therefore, ordered and adjudged that the applicants, Frank Jameson and Birdie Jameson are entitled to be enrolled, under the provisions of the above quoted act of Congress and the application for their enrollment as Creek freedmen is accordingly granted.

Muskogee, Indian Territory.


COMMISSIONER.

FEB 6 - 1907

Muskogee, Indian Territory,

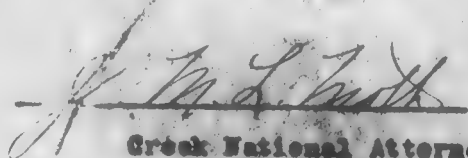
February 7th 1907

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Creek Nation hereby waives protest in this case, reserving to itself however, the right to attack the enrollment of this person if after investigation it is found that said enrollment was obtained from fraudulent evidence.

Respectfully,



Creek National Attorney.

Gr. No. 1040.

Muskogee, Indian Territory, February 8, 1907.

Kaiser Janssen,

Wynark, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Jesse and Mary Janssen, deceased, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-56.

Gr.No.1040.

Muskogee, Indian Territory, February 8, 1907.

L.W.Culp,

Attorney

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Jesse and Mary Jameson, deceased, as Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-87.

Gr. No. 1040.

Muskogee, Indian Territory, February 8, 1907.

M. L. Hott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Jesse and Mary Jameson, deceased, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IM-62.

Gr. In. 1040.

Muskogee, Indian Territory, February 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Jones and Mary Jones, deceased, as Creek Freedmen, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-63.

Through the Commissioner
of Indian Affairs.

I.T.D.5304 1907
LRS

DEPARTMENT OF THE INTERIOR, ^{SP}
WASHINGTON. March 1, 1907

JFJR

Direct

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 8, 1907, you transmitted the record in the matter of the application of Jesse and Mary Jamerson, deceased, for enrolment as Creek freedmen, including your decision, dated February 6, 1907, adverse to the applicants.

Reporting February 26, 1907 (Land 13730-07, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

The record, together with a carbon copy hereof, has been sent to the Indian Office for its files.

Respectfully,

Jesse E. Wilson
Assistant Secretary

1 inc and 2 to Ind Of

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

Washington February 26, 1907

Refer in reply to the following
Land 13730-1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Jesse and Mary Jameson deceased, as Creek freedmen, including the decision of the Commissioner to the Five Civilized Tribes, denying the application.

The record shows that on July 11, 1906, application was made in affidavit form, for the enrollment of Jesse Jameson and Mary Jameson, deceased, as Creek freedmen. The record further shows that Jesse Jameson is the minor child of Kaser Jameson, a duly enrolled citizen of the Creek Nation, and Amanda Golden, a non citizen; that Kaser Jameson and Amanda Golden were never lawfully married, although they lived together for about three years, during which time Jesse Jameson was born; and that Jesse Jameson has never resided in the Creek Nation and has never been recognized by the Creek tribal authorities as a citizen thereof.

The weight of evidence shows that Mary Jameson, deceased, is a minor child of Kaser Jameson and Alice Jameson, his non citizen wife, and that she was born in March, 1899, and died subsequent to July 1, 1900 and prior to March 4, 1906. Therefore

by reason of the provisions of the Act of April 26, 1906 (34 Stat.L.137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicants herein as Creek freedmen.

Very respectfully,
C.F. Larrabee
Acting Commissioner

KEM D

JWH

H B F 267

Muskogee, Indian Territory, March 9, 1907.

Kaiser Jameson,

Wybark, Indian Territory.

Dear Sir :--

You are hereby advised that on March 2, 1907, the Secretary of the Interior approved the enrollment of your minor children, Frank and Birdie Jameson, as Creek freedmen, and that the names of said children appear upon the roll of new born Creek freedmen, enrolled under the Act of Congress approved April 26, 1906, as numbers 272 and 273, respectively.

These children are now entitled to allotment and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

JWR

Cr.No.1040

Muskogee, Indian Territory, March 9, 1907.

Kaiser Jameson,

Wybark, Indian Territory.

Dear Sir :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor children, Jesse and Mary Jameson, as Creek freedman.

Respectfully,

Commissioner.

Gather's vol F. 2302
NEW BORN 287-
100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 23, 1900.

Birdie Jameson

as a citizen of

CREEK.

Nation.

Approved..... 190...

Commissioner.

CREEK FREEDMEN.

June 11-06

Born July 29, 1901

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the... CREEK... Nation,
of Birdie Jameson, born on the 29 day of July 1901.
[Here insert name of child]
Name of Father: Kaiser Jameson, a citizen of the Creek Nation.
Name of Mother: Alice, a citizen of the U.S. Nation.
Tribal enrollment of father: Arkansas (3). Tribal enrollment of mother: _____
Postoffice: Wytheville, D. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Western District. } Child present.
I, Kaiser Jameson, on oath state that I am 38
years of age and a citizen by adoption of the Creek Nation;
that I am the lawful wife of husband Alice Jameson (decd), who is a citizen, by
_____ of the U.S. Nation; that a female child was
born to me on 29 day of July 1901; that said child has been named
Birdie Jameson, and was living March 4, 1906.
Kaiser Jameson

WITNESSES TO MARK:

[Must be Two Witnesses] {
Subscribed and sworn to before me this 11 day of June 1906.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
District. }
I, _____, on oath state that I
attended on _____ wife of _____
on the _____ day of _____, 1906; that there was born to her on said date a _____
child; that said child was living March 4, 1906, and is said to have been named _____

WITNESSES TO MARK:

[Must be Two Witnesses] {
Subscribed and sworn to before me this _____ day of _____ 1906.
Notary Public.

CR EN 104/

CR EN 104/

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
MAY 10, 1906.

In the matter of the application for the enrollment of Alfred Mayfield, as a deceased citizen.

- Q What is your name? A Nancy Mayfield.
- Q What is your age? A 39.
- Q What is your post office? A Summit.
- Q Did you execute affidavits in the matter of the birth and death of your child, Alfred Mayfield? A Yes sir.
- Q What was the name of the midwife that attended on you then? A Clara Dean.
- Q Where does she live, where is her post office? A Muskogee. She lives here.
- Q When was Alfred born? A February 11, but I disremember the year.
- Q How many years ago? A I guess its been about 6 or 7 years.
- Q Do you know which of the two it is, 6 or 7? A What is I can't get is the year we filed.
- Q Do you remember when you were enrolled, you and your four children? A I think it was in 19 something I can't call it.
- Q It was in '98, the year that Alfred was born? A Yes sir.
- Q The time of the first enrollment? A Yes sir.
- Q Why didn't you apply for him at the same time you applied for Maudie and the others? A I didn't think I could get him in.
- Q Did he die the year you filed? A Yes sir, the same year, before I could file for him.
- Q How old was he when he died? A 11 months old.
- Q Are you sure of that? A Yes sir.
- Q What makes you remember that? A About him dying then.
- Q Yes. A I can remember pretty well because I was taking in washing then.
- Q Did you write it down or have someone to write it down for you? A Yes sir. Pete Tolliver wrote it down for me.
- Q Does he live in Muskogee? A Yes sir.
- Q Have you that writing with you? A No sir, I haven't with me, but I can get bring it in when I come back in.
- Q That writing is about the birth and death of the child? A Yes sir.
- Q How long since you have seen that writing? A I keeps it all the time.
- Q Do you look at it? A I looks at it but I can't read it.
- Q How old was this boy when you came in to make the affidavit about his birth and death. I made it when I came in to file for the other little boy of mine, George Mayfield.
- Q It appears from the records that that was the same year but it wasn't the same time you made the affidavits, in April, 1902, and the records also show that a certificate was issued in August 1902. Well now how long after the birth of the child was it that you made these affidavits? A Which Alfred or George?
- Q Alfred? A You say how long was it then.
- Q Yes. Was Alfred born before George? A Yes sir.
- Q How long before George was it that Alfred was born? A It seems like it was afterwards. Alfred was born first, then George, and then Maudie. George Mayfield is a year or two older than Alfred.

Q Are you are you sure that George is older than Alfred?
A I mean Alfred died before George was born.
Q How long before George was born was it that Alfred died?
A I didn't put an application in for Alfred until after George was born.
Q When was George born? A 1901. I came in and put an application in for Alfred. I heard that they were enrolling dead children that didn't die so long before.
Q Did anybody tell you when a child had to be living to be entitled to enrollment? A No sir.
Q Are you sure the child was born in February of one year and died eleven months after that? A Yes sir, he died January the next year after he was born.
Q The book that Pete Tolliver wrote in for you, do you think it has those dates in it? A Yes sir.
Q When you were first enrolled, when field parties were out taking down the names of people, when you were first enrolled in 1898 in the fall before the opening of the Land Office, do you remember that? A Yes sir.
Q How was your child Alfred born before that, or had he been born at that time? A Yes sir, he was living then.
Q Are you sure of that? A Yes sir, I know he was, cause he was born in the year before we filed and that is the reason I know.
Q Well, do you know when the Creek Land Office opened?
A I don't remember exactly, cause I can't read and write.
Q Do you remember the time you came in to file, don't you, got a certificate to file? A Yes sir, it was in 19 something.
Q Well, as shown by the records it was in May '99 when you came in; they hadn't been filing a month when you came in to file for yourself and your four children, now was George born that same year? A No sir.
Q Was he born the year before or two years before? A Just the year before I came in here.
Q Just the February before? A Yes sir.
Q Are you sure of that? A Yes sir.
Q Now you remember pretty well your coming in here in the early days of the filing, and you are sure that your child, Alfred was born in February the year before that? A Yes sir.
Q And that he died January of the next year? A Yes sir.
Q He must have been dead when you came in? A I didn't file for him, I didn't think I could get him in like the rest of the children.
Q Q And it was in January when he died? A Yes sir.
Q Do you remember the circumstances of the opening of the Creek Land Office--of the people coming in to enroll and file?
A Yes sir.
Q You lived in Muskogee then? A Yes sir.
Q Don't you remember that day--the big crowds that came in to file-- that was April, 1899, you remember that? A Yes sir.
Q Did you get in that day? A No sir.
Q Did you try? A No sir, it was too crowded.
Q But it was the next month that you came in? A Yes sir.
Q The records show that it was in May, 1899, now are you sure that your child, Alfred was not living at that time? A They asked me if I was sure if he was living and I told them he was, but I didn't think I could file for him.

- Q When you came in to file, as the records show it was in May, 1899, and if your child, Alfred died in January as you stated when you came in to file, Alfred must have been dead about four months when you came in to file, is that right? A Yes sir.
- Q And if your recollection of that big day, the first day of the filing, and these other things are true Alfred must have been dead pretty near three months before the Land Office opened? A Yes sir, about three months, because he died the 19th day of January.
- Q Now when you and Clara Dean made out affidavits about the birth and death of Alfred, did you understand what you were swearing to and signing by mark? A No sir, I didn't know, but I suppose Lowery knew how to fix them.
- Q Mr. J.C. Lowery appears as a witness to your marks in these cases? A Yes sir.
- Q The Notary Public is Thomas H. Owen, a white man, you remember that? A Yes sir.
- Q Did Mr. Owen or Mr. Lowery or anybody else read these affidavits to you before you signed them by mark? A No sir.
- Q You don't remember that in one of the affidavits you were swearing that he was born February 11, 1899, and that of the other that he died January 19, 1900? A No sir.
- Q If what you now say--state--about his birth and death with reference to the time of your filing on your land, and at that of the time of the opening of the Creek Land Office--if these facts are true, these affidavits must be wrong--must be mistaken a whole year because they state the child was born in February '99, and died in January, 1900?
- A Yes sir, I guess he didn't put them down the way I told him to.
- Q As a matter of fact, it now appears that this child was born in February, 1898, and died in January, 1899, is that correct?
- A Yes sir.
- Q Put in both dates just a year beyond of these affidavits?
- A Yes sir, just further back.
- Q And do you you know now, both by your recollection of the opening of the Creek Land Office and the fact that you filed in the same year a month later, and at the time you came in here to file for yourself and your four minor children, that this child wasn't living and you didn't apply for it?
- A No sir, he wasn't living, that is the reason I didn't say anything about it.
- Q But afterwards in 1902, when these affidavits were executed having heard that they might file dead ~~children~~ ones you made out these affidavits, and they are wrong? A Yes sir.
- Q Can you bring Clara Dean up here? A Yes sir.
- Q Is she an old woman? A Yes sir.
- Q Do you think she knew what she was signing when she signed this affidavit? A No sir, I don't think she did.
- Q And the Notary Public made a mistake in this just like he did in your affidavit? A Yes sir. We couldn't read or write. We didn't know what to do, we just did what he told us to do.
- Q Did you pay Lowery anything at that time, do you remember?
- A No sir, I didn't pay him.
- Q Did you pay Mr. Owen? A No sir, I think Lowery paid him.
- Q Didn't Lowery get anything out of you at all? A No sir, said he didn't want anything until he finished up his work.
- Q Did he talk to you or do anything that would lead you to believe that he was trying to get this child enrolled when it was not entitled to enrollment? A He acted like he did.

Q What do you mean by that? A Why after I seen him afterward I asked him how about the baby, did he think he could enroll it, he said he didn't know, he guessed it was alright.

Q How would that lead you to believe that he was trying to practice a fraud? A If he was trying to do right he ought to have come and seen me about it.

Q Is there any other fact that helps you to remember the date of the death? A I remember cause I told Lowery that was my child and I could prove it cause I had a picture taken right after it died.

Q Do you know who took that picture? A No sir, he is not here now.

Q You have that photograph now? A Yes sir, I have it at home.

Q Do you know whether the name of the photographer is on it or not? A No sir, I don't know. I just wanted to see if the child was entitled to enrollment and if he wasn't it was alright and if he was; it was alright.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merrick

Subscribed and sworn to before me this 11th day of May, 1906.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JUNE 26, 1906.

In the matter of the application for the enrollment of
Alfred Mayfield, deceased, as a Creek Freedman.

(An attempt was made to communicate with the office of
the Creek Attorney by phone, but this office was advised
by central that nobody would respond to the call)

Clara Deen, being first duly sworn testifies as follows:

- Q: What is your name? A: Clara Deen.
Q: How old are you? A: 52.
Q: When will you be 53? A: My next birthday. The 20th. of
this coming August.
Q: What is your post-office address? A: Muskogee.
Q: How long have you lived in Muskogee? A: Well I don't
exactly live in Muskogee, I live about a mile out.
Q: How long have you lived on that place you now live?
A: All my days.
Q: Were you born out there? A: My husband was, and I married
him.
Q: How long ago did you marry him, how long have you been
living on that place? A: About 30 years.
Q: Do you know Nancy Mayfield? A: Yes sir.
Q: Do you know George Mayfield? A: Yes sir.
Q: Is George living? A: Yes sir, that is her husband.
Q: That is Nancy, who is here today? A: Yes sir.
Q: Do you know a child of theirs named Alfred? A: Yes sir.
Q: He is dead is he? A: Yes sir, I waited on him her.
Q: You were the mid-wife? A: Yes sir.
Q: How old was the child when it died? A: 11 months.
Q: When was it born? A: I didn't keep any tract of that,
that wasn't my place that was the mother's place.
Q: You didn't keep any tract of when it was born? A: No sir
I did not.
Q: When did it die? A: I couldn't tell you that even, it
was 11 months old when it died.
Q: How do you know that when you don't know the date of the
birth or death of the child? A: I was there when it died
Q: How can you reckon the 11 months, when you don't know the
date of its birth or death? A: That wasn't my look out
that was Nancy's place.
Q: How can you tell us it was 11 months old? A: I couldn't
swear, I think it was about 11 months, gentleman.
Q: Are you a citizen of the Creek Nation? A: No sir.
Q: Have you ever filed? A: No sir, My husband filed and
my children.
Q: What is your husband's name? A: Elias Deen.
Q: Were you living near Muskogee, at the place you are now
living at the time the Creek Land office opened? A: Yes sir
Q: Do you remember that circumstance when people first began
filing, do you remember of hearing about that? A: Yes sir
Q: There was big crowds coming into Muskogee that day, wasn't
there? A: I don't know sir, I was sick in bed, my
husband came in but I didn't.
Q: You remember of him coming in at the time of that big opening
don't you? A: Yes sir.
Q: Was this child of George Mayfield living at that time?

- A: I think it was, I was sick I know, and had a child sick.
- Q: Did that child who was sick at that time die? A: Of mine?
- Q: No sir, it never died then, but it died afterwards.
- Q: What was the name of that child? A: Floyd Deen.
- Q: How old was Floyd when he died? A: Five years, not quite five when he died. He would have been five if he would have lived to his birthday, if he had lived up to that time.
- Q: In what month was his birthday? A: March.
- Q: March when? A: I think it is March 10th. I don't know.
- Q: His father was a Creek, I wasn't a creek.
- Q: Which was born first, your child Floyd or Nancy's child Alfred? A: Nancy's child.
- Q: Are you sure of that? A: I think I am pretty sure of it.
- Q: Nancy's child was older than your child? A: He was a little bit older, Nancy's child died first.
- Q: It died before your child died? A: Yes sir.
- Q: Did Nancy's child Alfred die before your child Floyd was born? A: It has been so long, mister, I can't tell.
- Q: You remember your child Floyd, don't you?
- A: I ought to remember him, he was mine.
- Q: Was Nancy's child Albert, ever living when your child Floyd was? A: I think it was.
- Q: But it was older than your child? Nancy's baby, Alfred?
- A: He was a few months older. I was just getting along with him, when Nancy's child was born.
- Q: You were expecting to have Floyd when Alfred was born?
- A: Yes sir.
- Q: And in that way you remember that Alfred was born before your child Floyd? A: Yes sir.
- Q: Your child Floyd was born in March 1897? A: I suppose so.
- Q: You said he was 5 years old when he died? A: He wasn't quite, he would have been 5 years old his next birthday.
- Q: Now your child Floyd was born before that land opening? Wasn't he? A: I disremember, but I know his father enrolled him here.
- Q: His father enrolled him, the record shows in September 1898 and said he was a year old, that would make him born in 1897? A: I didn't come with his father to enroll him, I wasn't able.
- Q: He was living when Elias came to enroll him wasn't he?
- A: Yes sir.
- Q: The records here show he was one year old at that time, in September 1898. The date of his birth is not shown on that card.
- Q: Were you ever enrolled as Clara Hardridge? A: No sir.
- Q: Do you know Clara? A: My name is Clara, but I am not Clara Hardridge. There is so many Hardridges.
- Q: What was the name of the mid-wife when your child Nelson was born? A: I was my own mid-wife.
- Q: Which one was the oldest, Nelson or this Abbert Mayfield?
- A: Alfred Mayfield, mister.
- Q: Was Alfred dead before Nelson was born? A: Yes sir.
- Q: There is on file in this office in the matter of the enrollment of Nelson Deen, opposite Creek Freedman, Roll number 3857, an affidavit of Clara Hardridge signed by mark, in which it appears that this child Nelson was born February 18, 1899. Are you sure that Alfred was dead when Nelson was born? Said affidavit was executed April 24, 1899.
- Q: About how long long was her child Alfred dead before this child of yours was born? A: I couldn't say.
- Q: Had it been as much as a year? A: I don't know.

- Q: Now Clara can you read or write? A: By mark.
- Q: We have here your affidavit about the birth and death of Alfred Mayfield signed by your touching the pen, and swore in that that Alfred Mayfield was born February 1899 and died January 19, 1900.
- A: Who made that affidavit?
- Q: Well it has your mark signed to it, and you state that you were mid-wife to ~~the~~ Nancy Mayfield when Alfred was born.
- A: The colored man might have made a mistake, he might have put it down that way, he was drunk when he made those papers.
- Q: Who was he? A: Old Lowry.
- Q: J. C. Lowry, the Notary Public? A: Yes sir.
- A: He was in there with a white man named Owen, and Lowry gave him the information.
- Q: So don't you see Clara, if what you say about your child, namely that ~~your child~~ Nancy's child Alfred was born after Floyd it must be wrong. A: He has got it wrong Mister.
- Q: You didn't mean to sign the affidavit that the child was born in 1899 and died in 1900 did you? A: Nosir.
- Q: Did he show any intention of making it out this way except by drunkenness in order to get this statement?
- A: No sir, it shows he was pretty full when he did that.
- Q: Do you think he would appear up here now? A: Who this man Lowry? A: I don't know sir, I couldn't tell, but I don't know where he is and his wife don't know.
- Q: These affidavits were made out the 3rd. of April, 1902 and we know April of this year was 4 years ago, now how long had Alfred been dead before you went before Lowry, this man you say got drunk? How many years had he been dead?
- A: I don't know sir. I don't say he was drunk, he was real drunk, he was real drunk. He made it way wrong.
- Q: You now state that he made it way wrong?
- A: Yes sir, he has got it plumb wrong.
- Q: When was the child born then? If this is a mistake when was the child born? Was it born in 1897? A: I guess so. At those times the colored people didn't try to keep up with the years, but just now in these years they do.
- Q: Then Alfred wasn't born at the time the Land Office opened as this affidavit states? A: I don't know, the land office opened on April 1st. I have got a child that was cut out of her rights and she is entitled to it too. Her name is there, she was enrolled at the court-house they cut her out and they had no right to do it.
- Q: They cut her out because she died before the land office opened? A: Yes sir, because she died in March and the land office opened in April.
- Q: Was she enrolled? A: She was enrolled and got her land and her land buried her.
- Q: Now you say you know when the ~~the~~ land office opened, because you say you know your child Cora died just a month before the land office opened, and was cut out of her rights, is that right? A: Yes sir.
- Q: We have here your affidavit of Clara Deen in which you state that Cora Deen died the 3rd. day of March 1899 which was the month before the land office opened; at that time was Alfred Mayfield living or not? Didn't Alfred Mayfield die before your child Cora? A: I don't know which died first, Cora or him.
- Her father came up here and made an affidavit for her after she died.
- Q: We have your affidavit and the affidavit of Elias Deen in regard to the date of her death.

- Q: Isn't it a matter of fact that Alfred Mayfield died the year before that? A: Alfred Mayfield died after this land office business opened up, Mister, I done told you that three or four times.
The records of this office with a citizenship certificate was issued to Nelson Deen, June 30, 1899.
- Q: You state that Alfred Mayfield died before Nelson was born? A: Yes sir.
- Q: Then Alfred couldn't have been living when the land office opened? A: Alfred died in the enrolling time.
- Q: When they were enrolling at the court-house? A: They were enrolling here I think.
- Q: In the old building, was it? A: I expect it was.
- Q: The enrolling time was before the filing time, you know that don't you? A: I suppose so. They were going in on tickets, my husband had his ticket to pass in but he never did pass in.
- Q: You are sure as you stated a while ago that Albert Mayfield was born before your child Floyd? A: I certainly is.
- Q: You are sure it lived only 11 months? A: I don't know just exactly how long, but I think it was about that long.

Nancy Mayfield being first duly sworn, testifies as follows:

- Q: What is your name? A: Nancy Mayfield.
- Q: Are you the same woman who testified in this case before about your child Alfred Mayfield? A: Yes sir, the same one.
- Q: Do you remember when you were enrolled yourself and children? A: Yes sir, I can remember right well but I don't remember the year.
- Q: You enrolled yourself and 4 children? A: Yes sir.
- Q: What are their names? A: Fred, Etta, Martha and Nancy.
- Q: You didn't enroll Alfred? A: No sir, because he wasn't living.
- Q: He is dead? A: Yes sir.
- It appears from the records of the Commission that Nancy Mayfield and the 4 children named by her were enrolled September 1898.
- Q: How long had he been dead at that time? A: He died that same year.
- Q: In the spring? A: Yes sir, it was in January.
- Q: Do you know Clara Deen's child Floyd? Do you know that she had such a child as that? A: Yes sir.
- Q: Which was oldest, your child or Floyd? A: My Floyd.
- Q: Are you sure of that? A: I think so, I didn't enroll Alfred because he wasn't living then. He died the same year I enrolled my 4 children, but he was dead.
- Q: He was dead that year was he? A: Yes sir.

- Q: You enrolled your four children the records show in the fall of 1898 and he died in January or the early part of that same year, you are sure of that are you? A: Yes sir I am.
- Q: That is the reason that you didn't enroll him? A: If he had been living I would have enrolled him and after he died I didn't think he could be enrolled, and I never said a word about it.
- Q: And about 4 years afterwards you went to Lowry and made an affidavit with Clara Deen? A: Yes sir.
- Q: What was the condition of Lowry that day? A: I don't know as he was in any condition at all, if he had been he would have picked up what we told him right.
- Q: Clara Deen stated that he was drunk? A: He sure was acting like it.
- Q: You put the birth and death both wrong there did you? A: Yes sir, both of them was wrong. It was born
- Q: In this affidavit you state, February 11, 1899 and that it died on January of 1900? A: Yes sir, I remember but it was wrong.
- Q: The fact of the matter is that the child was born February 1897 and died in June 1898 isn't it? A: Yes sir, that is the year we enrolled.
- Q: Where did you go to enroll at that time, do you remember? A: No sir, I don't. I think I came here.
- Q: Came here to town? A: Yes sir.
- Q: Did you get a number? A: Yes sir, I got it right here.
- Q: You know when the land office was right down there on the corner, I got my number. They gave numbers because I had one, I hadn't filed the same month they gave me the number either, it was crowded and I had to stay out.
- Q: Nancy filing in the land office is a different matter from enrolling you know that? A: Yes sir.
- Q: The enrolling came first didn't it? A: Yes sir.
- Q: It was naturally a year before, because it came pretty near a year before? A: Yes sir, I think so.
- Q: The record shows that you enrolled in the fall of 1898? A: Yes sir.
- Q: The record further shows a certificate was issued the next year, on May 13th. Now if Alfred was dead when you enrolled, he was dead when you filed?
- A: Yes you know he was dead when I filed, he wasn't living when we enrolled.
- The records of the Commission examined, and it does not appear that any application was ever made for the enrollment of Alfred Mayfield prior to the reception of the affidavits referred to herein in the month of November, 1902. The name was never listed on any card for the reason, as witness states that said child was dead when she enrolled herself and other children.
- Q: Does your husband George know anything about this? A: Yes sir, he ought to? Q
- Q: Does he know the years? A: He sir, he don't know the numbers at all, he is just like me.
- Q: Who did the filing? A: I did the enrolling and filing myself.
- If I had Lowry here I would send him to the pen, he would swear to more lies, I know good and well I had a child.
- Q: The fact of the matter is that it was dead a year before the land office opened? A: Yes sir, it died a year before the year of the enrolling.
- Q: The land office opened the year before? A: Yes sir.

- Q: You were enrolled in the fall and the child died in January of the same year? A: Yes sir.
- Q: That was in January 1898? A: I guess it was.
- Q: Lowry made you swear that the child was born during the early part of the opening of the land office, and it died 2 years after the land office opened? A: That was the biggest lie that was ever told. I would have enrolled that child if he had been living, but after he was dead I thought it wasn't any use.

I, Julia C. Laval, on my oath state that the above and foregoing is a correct and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me
this 26 day of June, 1906.

H. H. Hains
Notary Public.

Cr.En.1041.

BAM
AQ

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Alfred Mayfield, deceased, as a Creek freedman.

STATEMENT AND ORDER.

The record in this case shows that on April 3, 1902, application was made in affidavit form for the enrollment of Alfred Mayfield, deceased, as a Creek freedman. Supplemental affidavits as to the birth and the death of said applicant were filed on the same date. Further proceedings were had May 10, 1906 and June 26, 1906.

It appears from the evidence and the records in possession of this office that said applicant was the child of George Mayfield, a Cherokee freedman, and Nancy Mayfield, whose name appears on a partial schedule of Creek freedmen approved by the Secretary of the Interior March 28, 1902, opposite No. 3528, and that no application has ever been made for the enrollment of this applicant as a Cherokee freedman.

The evidence is conflicting as to the date of the birth and the date of the death of said applicant but the preponderance of the evidence shows that said child was born in February 1898 and that he died January 19, 1899.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of Alfred Mayfield, deceased, as a Creek freedman and the application for his enrollment as such is accordingly denied.

Muskogee, Indian Territory,

FEB 11 1907


COMMISSIONER.

Q24
B. A. 116.

Muskogee, Indian Territory, November 29, 1905.

Haney Mayfield,

Muskogee, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the birth and death of your minor child, Alfred Mayfield, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

252

REPLY IN REPLY TO THE FOLLOWING:

.....

.....

.....

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 24, 1906.

George Mayfield,
Muskogee, Indian Territory.

Dear Sir:

There is on file at this office affidavit relative to the birth and death of your minor child, Alfred Mayfield, who it is claimed is entitled to enrollment as a citizen of the Creek Nation.

You are hereby notified to appear before this office at Muskogee, Indian Territory, within twenty days from date, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,



Commissioner.

B.A.116

Muskogee, Indian Territory, January 27, 1906.

Nancy Mayfield,

Care George Mayfield,

Muskogee, Indian Territory.

Dear Madam:

There are on file in this office affidavits executed by you relative to the birth and death of your minor child, Alfred Mayfield, who it is claimed is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case. You are therefore requested to appear at this office at an early date, with two witnesses who know the date of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Acting Commissioner.

B.A.148-116

Muskogee, Indian Territory, January 27, 1906.

Clara Dean,

Muskogee, Indian Territory.

Dear Madam:

In the matter of the birth and death of Lawrence Smith and Alfred Mayfield, who it is claimed are entitled to enrollment as citizens of the Creek Nation, you are advised that you will be allowed five days from date hereof within which to appear at this office.

Respectfully,

Acting Commissioner.

CR. 1041.

Muskogee, Indian Territory, February 14, 1907.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Alfred Mayfield, deceased, as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

(LM) 50,

Commissioner.

Cr. No. 1041.

Muskogee, Indian Territory, February 14, 1907.

Nancy Mayfield,

Summit, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Alfred Mayfield, deceased, as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-21.

Or. No. 1041.

Muskegee, Indian Territory, February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Alfred Mayfield, deceased, as a citizen of the Creek Nation, including the decision of the Commissioner, denying said application.

Respectfully,

Commissioner.

LM-52.

Through the Commissioner
of Indian Affairs.

Refer in reply to the following:
Land 15683-1907.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Alfred Mayfield, deceased, as a citizen of the Creek Nation, including the decision of Commissioner Bixby dated February 11, 1907, adverse to the applicant.

The decision of Commissioner Bixby has been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KEM, Ph.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
S.P.

I.T.D.

6210, 6606, 6616, 6686, 6728-1907.
6744, 6748, 6750, 6752, 6762- "
6784, 6802, 6804, 6810, 6834- "
6846, 6876, 7014- "

March 2, 1907.

LRS

DIRECT

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Isacarel Grayson (freedman)	February 18, 1907.
Emma Grayson (freedman)	February 7, 1907.
Eva Bruner (freedman)	February 13, 1907.
Oliver Elliott	February 16, 1907.
Florence M. Coker	February 16, 1907.
Johnny Potter (freedman)	February 16, 1907.
William H. Hardridge (deceased)	February 16, 1907.
Theodore Hawkins (freedman)	February 16, 1907.
Amy Franklin, et al. (freedman, deceased)	February 16, 1907.
Jennie Myern (freedman)	February 13, 1907.
Alfred Mayfield (deceased)	February 14, 1907.
Alice McCoolley (freedman)	February 15, 1907.
Bettie Scott (freedman, deceased)	February 14, 1907.
Lurie McKimmon	February 14, 1907.
Washington McIntosh (freedman, deceased)	February 23, 1907.
Roman Johnson, et al.	February 23, 1907.
Spencer Thomas et al. (freedman)	February 23, 1907.
Number Lowe (deceased)	February 23, 1907.

A copy hereof and the papers in the above mentioned cases have been sent to the Indian Office for its files.

Respectfully,

18 inc. and
36 to Ind. Of.

(Signed) Jesse E. Wilson,

ATC

Assistant Secretary.

3-4-07.

U. S. No. 1041.

Muskogee, Indian Territory, March 18, 1907.

Nancy Mayfield,

General Delivery,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907 affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Alfred Mayfield, deceased, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1042

CR EN 1042

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 3, 1906.

In the matter of the application for the enrollment of
Maggie Jones, as a citizen of the Creek Nation.

Maggie Jones being first duly sworn, testified as follows:

- Q: What is your name? A: Now, Maggie Jones.
- Q: How old are you? A: 46 on the 4th. of this month.
- Q: What is your post-office address? Muskogee.
- A: Have you ever personally or in any other manner prior to the present time submitted any application of any character to the Commission to the Five Civilized Tribes or to the Commissioner to the Five Civilized Tribes for enrollment as a citizen of the Creek Nation? A: Well I will tell you how it was, when the Commissioner first came to the Creek Nation, I think it has been about 10 or 12 years ago, when Mr. Bixby first came to the territory, I was here and had been here for years and Mr. J. B. Liever, either he or his wife is a Creek, I don't know which, but he made application for me and my sister and he said he would send it to the Dawes Commission. That is when they first came to the territory.
- Q: You say about 12 years ago? A: I think it is about 10 or 12 years ago you can count it up when Mr. Bixby first came here.
- Q: Did you ever submit any petition or write any letters to the Secretary of the Interior with regard to your citizenship? A: My husband did, J. Q. Jones. He wrote it for me.
- Q: When? I can't tell you, but he wrote several, it ain't been so very many years ago.
- Q: Have you any letters with you now? A: No sir, I have not.
- Q: Could you produce them? A: I may have one, I am not for sure, if I am sure about it, I might have one.
- Q: Outside of this thing you say Mr. Liever did for you ten or 12 years ago have you taken any steps or any character prior to this time to procure your enrollment as a citizen of the Creek Nation? A: That is all I have done.
- Q: Did you ever write a letter to the Commission to the Five Civilized Tribes or to the Commissioner to the Five Civilized tribes with regard to your case? A: My husband wrote to the Secretary. I got an answer from the Secretary.
- Q: Did your husband ever write to the Commission to the Five Civilized tribes or to the Commissioner? A: Not for me he never has, he might have wrote for himself but Mr. Liever wrote down about this business when you first came to this country. I am one of the first persons who came before you at Lee. You took my name and you said you would let me know and you never did let me know.
- By Witness: Don't you remember when you were at Lee?
- A: Commissioner: I remember you when I first came to the territory.
- Q: Who wrote the letter to the Secretary? A: Mr. Liever wrote the letter to the Secretary.
- Q: How long has your name been Maggie Jones? A: My name has been Maggie Jones about 26 years, I couldn't now say particularly unless I looked in the bible. But then
- Mr. Liever did write a letter and they said I would hear from it, but I never did.
- Q: What is your husband's name? A: J. Q. Jones.
- Q: What name do you think you gave me at Lee? McClain or Jones. A: I don't know I told you my first name was

- McClain and I married a fellow by the name of J.Q. Jones. when I first came to the territory.
- Q: What is the name of your husband? A: J.Q. Jones.
- Q: Does that Q. stand for Quincy? A: Yes sir.
- Q: What is the name of your father? A: Ketch McQueen.
- Q: Did you ever draw any money from the Creek Nation?
- A: Yes sir, some was drawn for me by my Aunt for my grand-mother.
- Q: When was that? A: When they paid off down here in the tent, I think it was, it was the last money that was paid to the Creek Nation.
- Q: You think your Aunt drew something for your grand-mother at that ~~x~~ last Royal Creek Payment, do you? A: Yes sir, and she divided that with me.
- Q: That is all the money you ever got is it? A: Yes sir. She said my brother got it and my sister got it but she forgot to get mine, so when they got theirs, she divided my grand-mother's with me. Q: She did? A: Yes sir several times.
- Q: You didn't get any direct? A: She said my name was there but they couldn't find it.
- Q: On the royal Creek payment? A: Yes sir.
- Q: That is all you know of any monies having been drawn for you? A: Yes sir.
- Q: What Creek Indian Town do you claim to belong to?
- A: Canadian.
- Q: You don't claim to be on any rolls do you? A: No sir, not more than they told me that they would get my name and told me I was on.
- Q: That wasn't the royal creek payment was it? A: I don't know what it was, I know I got some money.
- Q: What was year before last? A: I am not sure of it.
- Q: You know the difference between a year and a half and ten years don't you? A: Of course I do. It was not so very many years ago that I got some money from my grand-mother's.
- Q: What was the name of your mother? A: Well I was so small but I heard them say it was Clara, my mother died in slavery times.
- Q: When did your father die? A: I have to look in the bible to tell you, he has been dead a long time.
- Q: Was it before you went before Mr. Leiver ten or 12 years ago?
- A: Oh Lord, my father has been dead as near as I can come at it 27 years. He is dead and buried here in the Nation.
- Q: Neither of your parents were enrolled, they died before the enrollment began did they not? A: I don't know a thing about it.
- (reference is made to Creek Indian Census Card, 3143)

Witness is also allowed to furnish this office with further evidence.)

The above is all the evidence taken on said date.

-3-

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before
me this 6th. day of July, 1906.

W. H. G. Haines
Notary Public.

8-1042

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 9, 1906.

In the matter of the application for the enrollment as a Creek freedman of Maggie Jones.

APPEARANCES: Eck Brook attorney for applicant.

CILLA FRANKLIN, being duly sworn, testified as follows:

- Q What is your name? A Cilla Franklin.
- Q What is your age? A I can't tell you my age.
- Q Were you living during the Civil War? A Yes, sir way before the war.
- Q What is your post office address? A Right here in town, Muskogee.
- Q How long have you lived here? A Over twenty years. Mr Robb knows me.
- Q Do you know this woman here? A That is my niece.
- Q What is her name? A Maggie Jones she goes by.
- Q How long have you known Maggie Jones? A I am not able to tell you but a long time.
- Q Does she live here now? A Yes.
- Q How long has she lived here? A I can't tell how long she has been here, 7 or 8 years I can tell.
- Q Do you know who her father was? A I ought to know; he was my brother.
- Q What was his name? A Ketch McQueen.
- Q Full brother of yours? A Yes, sir.
- Q Is he living? A Been dead a good while.
- Q How long? A Very near 20 years.
- Q What was the name of Maggie's mother? A I think Hagar.
- Q About how old is this applicant Maggie Jones? A I aint able to tell; I can't tell about my own age.
- Q Was she living during the Civil War? A I don't know where she was living; I guess she was a child with her mother.
- Q Was she born yet then? A Yes, I think she was; I can't tell how old she is.
- Q Is her mother living? A No, sir she is dead.
- Q How long has she been dead? A I don't know.
- Q A long time? A A good while.
- Q Do you know if Maggie Jones ever made any application for enrollment as a citizen of the Creek Nation? A I was with her when she started to make the application.
- Q You are sure you were with her? A When she was making application for her rights you mean?
- Q For enrollment? A I can't hardly understand.
- Q Are you a citizen of the Creek Nation? A Yes
- Q You know you came in and made application for enrollment? A Yes, I came in here.
- Q And you got your land? A Yes, sir.
- Q You don't know whether any was made for Maggie or not? A We tried to make an application.
- Q When did you try? A Some time a little after I made application for myself.
- Q Was this applicant ever married? A That is her husband with her now.

Q What is his name? A Jones.
Q Do you know his first name? A I don't know. (Mr. Brooks says Quincy).
Q You have been here in this town about twenty years? A Over 20.
Q Is your name on the Dunn Roll? A Mothers name and my name is on it.
Q Did you draw the \$29 payment in 1890? A I won't tell you that I did positively. I know I drew several times.
Q Do you know whether the name of Maggie Jones, this applicant here is on the Dunn roll? A I don't know exactly.
Q Do you know whether she ever drew any money from the Creek Nation? A Not as I know of.
Q Didn't draw the '90 or '95 payment that you know of? A I don't know she ever got any; she did get a dollar or such a matter.
Q That was the bread money? A Loss money or bread money.
Q You mean loyal Creek payment? A Yes, sir.
Q Where they made up to people for loss in the War, except that she didn't receive any money? A No, sir.
Q You don't know whether she got that for herself? A I don't know.
Q Do you know if she was ever recognized by the Creek tribal authorities as a Creek citizen? A I reckon she was.
Q Do you know whether she was ever officially recognized, that means was she ever admitted by the council? A I don't know.
Q Do you know if she ever made any application to the Creek council? A I don't know.
Q Do you know to what Creek Indian town she belongs? A I don't know.
Q To what Creek Indian town do you belong? A I think Canadian.
Q Has this girl ever lived with you? A Never did.
Q You stated you went with her to get her name put on the roll do you know when that was? A I don't know.
Q What was done at that time? A I came once or twice.
Q I mean about her? You don't know much about any attempted application on her part? A No, sir, I don't know.
Q You don't know much about her rights do you? A No, sir.
Q All you know is she lived here? A She lived here and has as much right as I have. She was taken to Texas, she might not have been here when we got money.
Q When was she taken to Texas? A I aint able to tell.
Q When was she brought back? A It has been a long time. She went back on a visit and back again.
Q Has it been twenty years since she came from Texas? A I think it has been very near twenty years.

ATTY. FOR APPLICANT.

Q You don't know anything about when her application was made for enrollment? A I don't know. It has been a long time.
Q You are certain she did make application to the Dawes Commission for enrollment? A Yes.
Q Do you know what town she belonged to? A No, sir; I guess the same I belonged to, to Canadian.
Q Her father belonged to Canadian town? A Yes, sir.
Q And you belonged to Canadian town? A Yes, sir.

COMMISSIONER.

Q Her father died over twenty years ago? A Yes, sir.
Q So he wouldn't have drawn the '90 or '95 payment? A No, sir.
Q Do you know whether her mother was a citizen? A I don't know about that.
Q You didn't know her mother? A I wasn't much acquainted with her because they lived one place and I another.
Q And her mother has been dead at least twenty years? A I believe so.

MAGGIE JONES, being duly sworn, testified as follows:

- Q What is your name? A Maggie Jones.
- Q You are the same person who gave testimony the other day? A Yes.
- Q How old are you? A About forty six.
- Q Have you ever drawn any money from the Creek Nation; you stated that some one gave you money in the Loyal Creek payment?
- A They drew some of my grandmothers money and gave me some of it.
- Q That is all you got? A Yes, sir.
- Q Your father's name was Ketch McQueen? A Yes, sir.
- Q How long has he been dead? A About 26 or 7 years.
- Q Do you claim through your father? A Yes.
- Q Claim he was a Creek? A Yes, sir I do.
- Q What was the name of your mother? A Clara McQueen.
- Q She died before the War? A Just before freedom.
- Q Was she a Creek? A I couldn't tell.
- Q She was taken away and died before peace was declared? A I think so.
- Q Her name wouldn't be on the Dunn roll or the subsequent Creek rolls? A It couldn't be, she was dead.
- Q If you never drew any money your name wouldn't be on the roll?
- A How do you mean.
- Q You never drew any money so your name wouldn't be on the payroll?
- A I heard it was on the roll; my brothers and sisters names are.
- Q What roll are theirs on? A On the payment roll.
- Q What payment roll? A On the roll of Creek payment.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation? A Yes, I have.
- Q In what way? A Judge of the Creek Nation.
- Q What judge? A Henry Reed.
- Q In what way did he recognize you? A He told me to take up land and work like any other citizen.
- Q When was that? A Ever since I have been in the nation.
- Q This old lady she has been enrolled and got a deed to her land; you haven't any title to land you are on? A I am living in Muskogee now.
- Q You didn't have any title like the old lady? A No, sir.
- Q How long have you been living in Muskogee? A Six or seven years I think.
- Q Where did you come from here? A From out in the country at Ridge.
- Q How long did you live there? A I don't know how many years. I have been in Muskogee six or seven years. I guess about ten years.
- Q And then where did you come from? A From Texas.
- Q How long had you been in Texas before you came to Ridge? A I don't know exactly.
- Q Where were you born? A I don't know exactly.
- Q Where were you when you first remember? A Colbert's Ferry.
- Q In the Creek Nation? A I think in the Choctaw Nation.
- Q First you remember you were down there? A Yes, sir.
- Q How long did you stay there? A I don't know; I was a small child.
- Q Was that before or after the war? A After the war.
- Q After the War when you first came to your remembrance and were at Colbert's Ferry? A Yes, sir.
- Q And then where did you go? A In Texas.
- Q How long in Texas? A I don't know how many years.
- Q Then where? A I came back in the Creek Nation; I have been back and forth five or six times.
- Q The best I can get at it is you have been here in Muskogee six or seven years and before that in Ridge ten years and before that back and forth from Texas? A Yes, sir.
- Q Don't you think it is a fact that you never drew any money because you were never in the Creek Nation when money was drawn?
- A I got money.

Q I am asking you about payments made by the Creek tribal authorities, you never drew any of that? A No, sir.

Q None of it was drawn for you? A No, sir.

Q Don't you think it was because you weren't here? A I was here.

Q Why didn't you draw it, one 16 and one 11 years ago? A Just like I am now was trying to get on the roll; my people would tell me I was on but I wasn't.

Q In what way do you claim rights? A Plenty of people claim rights who were not on the roll.

Q Do you know to what Creek Indian town you belong, did you ever hear that you belonged to any Creek Indian town? A Yes, sir

Q To what? A Canadian.

BY ATTY.

Q You say your brother and sister drew money and are enrolled?

A I said on the roll, where they paid money.

Q And you had always been informed by your father that you belonged to the Canadian colored town? A That is the way I think they called it.

Q What is your brother's name that drew in the payment? A Dave McQueen.

Q Your sister's name? A Betty Jenkins.

Q McQueenat first? A Yes, sir.

Q Do you know how her name appeared on the pay roll? A I don't know; I know she got the money.

Q You stated a while ago that you had been here six years in Muskogee and that prior to that time you had been at Ridge and had been there ten years and that you had come and gone to Texas four or five times? A Yes, sir

Q That you always claimed the Creek Nation as your home? A Yes

Q Did you ever move away from the Creek Nation or Indian Territory with the expectation of making any other place your home? A No, sir Commissioner.

Q You don't know what your home might have been when your mother was taking you around? A I couldn't tell that.

Q If your mother took you to some other state your home would have been where hers was wouldn't it? A Yes, sir.

Q And you don't remember about that very well because the first you remember was down at Colbert's Ferry? A Yes, sir

Q You don't remember whether you had been at Texas before that? A I don't know.

Q You said your brother and sister drew money how much did they draw? A I never asked them but they said they got it.

Q What money do you think that was, the Loyal Creek? A I think it was., it was about two years ago.

Q Are these people living? A My sister is dead but my brother is living.

Q Was your sister enrolled, did she receive her allotment of land?

A Not as I know of.

Q Was your brother enrolled? A Not as I know of.

Q All you know is they drew that money about two years ago at that payment? A That is what they told me.

Neither of said parties appear to have been enrolled as Creek freedmen. Dunn Roll examined and the name of neither Mollie Jones nor Mollie McQueen can be found thereon; neither said name of Ketch McQueen is found on said Dunn roll. On Old Creek Census Card #3143, family No. 1528 appears the name of Maggie Jones; notation shows she is the daughter of Ketch McQueen deceased and Clara McQueen and the wife of Quincy Jones, a non-citizen.

Q Do you claim to be an Indian by blood? A No a freedman.

Q You don't know how much Indian blood if any you have? A Not any.
Q At the time you went before that field party didn't you tell them you were a citizen by blood? A No, sir.
Q Didn't you claim you had a certain amount of Indian blood? A No

On said card it appears proportion of blood 1/32; notation on said card shows never on any town roll. 1890, 1895 payrolls and the 1891 and 1895 omitted rolls of the Creek Nation examined and the name of Maggie Jones or Maggie McQueen not found thereon.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this
23 day of July 1906.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Encl 1042. Muskogee, Indian Territory, July 19, 1906.

In the matter of the application for the enrollment of
Maggie Jones as a Creek freedman.

TOBE FRANKLIN, being duly sworn, testified as follows:

Q What is your name? A Tobe Franklin.
Q What is your age? A I don't really know but I think near about
58.
Q What is your post office address? A Boynton.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what Creek Indian town do you belong? A Canadian colored.
Q How long have you lived in the Creek Nation? A All the days of
my life.
Q How long at Boynton? A About 26 years I think, 5 miles north
of Boynton
(to applicant) Where is your attorney? A He told me to
come over, he couldn't come over now.
Q Told you to introduce this witness without him? A Yes, sir
Q What do you want this witness to testify about, about your
right to enrollment? A Yes, sir.

(to witness)

Q Do you know this woman here? A Yes, sir.
Q What is her name? A Maggie Jones
Q Do you know what her name was before it was Jones? A Maggie
McQueen.
Q What was the name of her father? A Ketch McQueen/
Q Is he living? A Dead.
Q How long has he been dead? A I don't know really but I think
about twenty four years
Q Do you know whether he claimed any rights in the Creek Nation?
A Yes, sir., he claimed rights
Q In what way? A In this way It was through his parents.
Q Do you know whether Ketch McQueen's name is on the Dunn roll?
A Not on the Dunn roll.
Q He wasn't a Creek freedman.
Q Do you know if he was ever recognized as a Creek, ever on any
of the rolls and paid any money? A No, sir not on any of the
rolls and from my understanding it was a provision of the Creek
National council that they were to remain here paying no taxes
until the council came to see further what to do with that class
of people.
Q Where did you get that from? A I got it from the council;
my uncle Jesse he was a member of the Creek National council.
Q You didn't know anything except from hearsay? A No, sir
Q You never heard the council or saw it written down anywhere? A
No, sir
Q What was the name of this woman's mother? A Really I don't know.
I don't know anything about her mother. I know my uncle that is all.
Q Do you know if this woman drew any money from the Creek Nation?
A I don't know.
Q Do you know if she belongs to any Creek Indian town like you?
A Not at present.
Q Has she ever? A Not to my knowledge.
Q Do you know if her name appears on any of the Creek rolls?
A Not to my knowledge.

Q You don't think it does? A No, sir.

Q Do you know if she was ever admitted by any of the proper authorities to citizenship in the Creek Nation? A I don't know, sir.

Q As I understand you neither has she drawn any money from the Creek Nation nor any one drawn it for her nor her parents drawn any? A No, sir.

Q Nor does her name or her parents appear on the Creek rolls? A No sir, none.

Q Because you say her father's name is not on the Dunn roll, that he died some twenty years ago so he could not be on the 1890 or 1895 roll and you do not know anything about her mother? A No, sir.

Q Are you any kin to this woman? A We are first cousins, children of brothers and sisters; her father and my mother were brother and sister.

Q You don't know whether her father was on any of the rolls or was ever recognized or admitted to citizenship? A I say he wasn't on any of the rolls.

Q Is there anything further you know about this matter or any further statement you want to make in the case? A No, sir. You have asked me all that is necessary I think.

(to applicant) Have you any more witnesses? A I have one.

Q Does he know anything new about the case? A About the same.

Q Do you wish to introduce any further witnesses or do you want the case closed? A Close it.

Q Has your attorney said anything to you about the closing of the case? A No, sir.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me
this 24 day of July 1906.

Eduard Merriam
Notary Public.

(COPY)

Muskogee, Ind. Ter. May the 17, 1904.

Sec. Hickcock Kind Sir this is the second letter I have
written to you I am a Creek Negress a small part of Indian
blood all of the kind people I have in the world is here in the
Creek nation, I have got an auntie here a living and first
cousins to the no. of about one hundred. I went before the
Dawson Commission But they did not give me any satisfaction so I
did not know what to do, my gran Mother and my Father is Buried
Rite here in fore miles of Muskogee wich came from old Alabama
nealy Seventy yres ago mor less and I can prove every word I
say, please tel me what to do some of those lawyer say for me
to do one thing and an nother say something els so please
tell me just what to do and then I will no what to depend upon
for the first Real that was taken by the Dawson Commission in the
Creek Nation they enroled me. Mr. Hickcock dear sir please
tel me just what to do for I have tryed to get some one to
tell me for the Best for 13 yers and I don't beleave they can
Because they dont no them selves.
please answ soon to me I am as Ever yours Truly,

Maggie Jones.

18338

CMB

Department of the Interior,

ITD 4129-1904. OFFICE OF THE SECRETARY,

48

Washington, May 31, 1904.

Madam:-

I acknowledge the receipt of your letter of the 17th instant, to this Department, relative to being enrolled as a Creek Freedman,

and inform you that the same has been referred to the Commission to the Five Civilized Tribes, Muskogee, Indian Territory, for consideration and action.

Very respectfully,

Edward Dawson
Chief Clerk.

Maggie Jones,
Muskogee, Indian Territory.

CR EN 1043

CR EN 1043

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Okmulgee, Indian Territory, May 24, 1901.

In the matter of the application of Kid Glass for enrollment as a citizen by adoption of the Creek nation.

William M. Cravens being first duly sworn testified as follows:

Examination by Acting Chairman Bixby:

- Q What is your name? A William M. Cravens.
Q What is your age? A 652 years old.
Q Do you know Kid Glass? A Yes sir.
Q How old is he? A About from 20 to 23.
Q Where is he? A In the United States prison at Ft. Leavenworth, Kansas.
Q How long has he been there? A About 18 months.; he was sent by the United States court at Muskogee for assault.
Q Do you know his father's name? A Dick Glass.
Q Is he a citizen of the Creek nation? A Said to be.
Q Do you know who his mother is? A No sir.
Q You don't know whether she is a citizen or not? A Don't know.
Q Is Kid Glass' name on the tribal rolls of the Creek nation.
A I don't know.
Q Do you know whether he is a recognized citizen of the Creek nation? A He claims to be

Tribal rolls of the Creek nation for the year 1890 examined and the name of Kid Glass

Tribal rolls of the Creek nation for the year 1895 examined and the name of Kid Glass

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Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all testimony and proceeding had in the above entitled cause on the 24th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this ~~24th~~ day of ~~May, 1901.~~ February, 1907.

Oliver L. Kinkadee
Notary Public

Acting Chairman

CRIME
Enrollment 1043.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
KANSAS CITY, KANSAS, FEBRUARY 3, 1907.

IN THE MATTER of the application for the enrollment of
Kid Glass as a citizen of the Creek Nation.

KID GLASS, being first duly sworn by Mary C. Broomfield,
Notary Public, Wyandotte County, Kansas, testified as follows:

EXAMINATION

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Kid Glass.
- Q How old are you? A I will be 28 years old the 11th day of July.
- Q Next July? A Yes sir, this coming July.
- Q What is your postoffice address? A Kansas City, Kansas, in care of the Wyandotte Furniture Company, Sixth and Ann Street.
- Q Were you ever known by any other name than Kid Glass?
- A No sir.
- Q What was the name of your father? A Dick Glass.
- Q When did he die? A He was killed.
- Q When? A Long about 15 years ago.
- Q Who was your grand-father on your father's side? A I don't remember my grand-father's name. It is a curious name. My grand-mother is living there near by; she can tell you about him. Susie Marshall is my grand-mother on my father's side. My grand-father on my father's side lives in the Cherokee Nation.
- Q Do you know if he has any land there? A Oh, Yes sir, he married a Cherokee woman when he quit my father's mother. That gives him a right.
- Q What was your mother's name? A Sarah Hope, before she was married.
- Q What was your grand-father's name on your mother's side?
- A Will Hope.
- Q Was he a citizen? A Yes sir, a Creek.
- Q What was your grand-mother's name on your mother's side?
- A Pelly Hope.
- Q When did you leave the Indian Territory? The 9th day of December, 1899.
- Q Why did you leave the Indian Territory? A I was sentenced to the penitentiary.

- Q How long were you sentenced for? A. For a term of ten years. I was released on the 5th day of October, 1906, on account of good behaviour.
- Q Where were you born? A I was born on the Creek and Seminole line.
- Q When were you born? A 1880.
- Q How long did you live at that place on the Creek and Seminole Line? A. Lived there about 16 years until my father got killed.
- Q And then you went where? A. Up in the Seminole Nation and then I come back to my uncles and aunts.
- Q Who are your uncles and aunts that you came back to see? A Sharper Hope, Nellie Hope.
- Q Where were these people living that you went to see? A On the North Fork river, 10 miles west of Eufaula and 10 miles west of Checotah.
- Q What was the place called? A Brush Hill.
- Q Are they living there now? A. Well one of my uncles is living right across the river from there; the other is living up at a place called Dogtown, close to Senora.
- Q What is the name of your uncle who lives right across the river from Brush Hill? A Sharper Hope.
- Q What is the name of the one living up close to Dogtown? A Henry Hope.
- Q What is the postoffice address of Henry Hope? A Senora.
- Q What is the postoffice address of Sharper Hope? A Direct your letter to the Marshall, Frank Jones, at Checotah, and ask him to give it to my uncle.
- Q Have you some relatives living close to Muskogee? A Some of my people, Wiley McIntosh and Wiley Jones.
- Q What kin is Wiley McIntosh to you? A. He aint no kin; he is a friend of mine.
- Q What kin is Jones to you? None.
- Q Where is the closest of your kin folks to Muskogee? A The closest point is Brush Hill.
- Q Who lives at Brush Hill? A Celia Greenleaf.
- Q Where is the next closest one of your kin folks to Muskogee? A My grand-mother, Susie Marshall, at Red Bird, close to Tulsa.
- Q Who else? A That's about all.
- Q Did you ever draw any money as a citizen of the Creek Nation? A My mother drew it for me.
- Q Did you, yourself, ever draw any money in the Creek Nation? A No, I never walked up myself and drew my money.
- Q Do you remember when your mother drew money for you? A Not exactly; been so long ago I have forgotten. It was the \$39.15 payment, if I aint mistaken.
- Q What name was that money drawn for you under? A Kid Glass.
- Q Do you know they drew that money for you or do you just think they drew it? A. Oh, they drew it.
- Q Did they tell you they drew it for you? A Oh, Yes sir.
- Q Were you present when the money was drawn? A. I was at Okmulgee, but I didn't see them draw it. I know that is what they went there for and they got it.
- Q That money was drawn for you at Okmulgee, was it? A Yes.
- Q Do you remember when? A I can't remember the date.
- Q How long was that before you were sentenced to the penitentiary? A Been a long, long time.
- Q How long do you think? A Been a good while.

- Q Was it ten years? A I might say ten and it not be that.
 Q Do you think it was ten years? A I would say for certain it was ten years.
- Q Who was with you when you drew that money? A. My mother was with me; Wiley McIntosh was a police there.
- Q Did Wiley McIntosh ever try to help you get this claim through? A No sir, he never did.
- Q Who else besides your mother was with you? A Aunt Nellie Hope.
- Q Who else? A Sharper Hope.
- Q How far did you live from Okmulgee when you drew that money? A Forty-five or fifty miles.
- Q How did you go to Okmulgee? A In a wagon; wasn't no train at that time.
- Q Wasn't any railroad into Okmulgee then? A No sir.
- Q How old were you when you drew that money? A Ten or twelve years old.
- Q You are pretty sure you were along about ten or twelve years old, are you? A I wouldn't take oath to that, but I would tell a man that it was right along there.
- Q You don't remember drawing money but one time? A Only one time.
- Q And that was at Okmulgee? A Yes sir.
- Q And you think that was how much? A \$29.15 or \$39.15 payment; I have forgotten just exactly what that payment was.
- Q Do you remember how many of you belonging to the same family were together when you drew that money? A. Me and mother and Aunt Nellie was all together.
- Q What was your mother? Creek citizen.
- Q Did she have any Colored blood in her? A Yes sir.
- Q How much Indian blood did she have in her? A Not any.
- Q She was a Colored Woman then? A Yes sir.
- Q Did the Hopes have any Indian Blood in them? A My grand-father didn't, but all the boys did. My grand-father on my mother's side had two wives; one was a Colored Woman and one was an Indian woman. My mother was the Colored woman's child.
- Q What was the name of his Indian wife? A I don't know. The Thewalthe roll will give you every one of the names.
- Q What was your grand-father's Colored wife's name? A Lucy. Lucy who? A. Lucy Hope when he married her.
- Q You don't know what her name was before she married him? A No sir.
- Q How old were you in 1890? A I must have been about 13 or 14 years old.
- Q How old were you when you were sentenced? A About nineteen. My lawyer told the Judge I was nineteen, but he didn't pay no attention to it.
- Q Did you draw the 1895 payment? A I don't think that was it. Why didn't you draw that payment, if you drew the first one? A Well, I don't know.
- Q Did you try to draw it? A No sir, I didn't try.
- Q When did your mother die? A My mother died right after the first payment; after she drew that money she didn't live very long.
- Q You don't know what year she died in? A No sir.

- Q Was there anything happened there that you could fix the time by? A. No sir.
- Q How old were you when she died? A. I was about thirteen years old, I guess, when my mother died.
- Q Did your mother die before your father? A No sir.
- Q How long had your father been dead when your mother died?
- A About five or six years. My father got killed in the Chickasaw Nation.
- Q What was your father? A He was a colored man.
- Q Didn't claim to be a citizen of the Creek Nation?
- A Oh yes, but he didn't claim to have any Indian blood in him.
- Q Was your father owned as a slave prior to the war? A No sir, he wasn't a slave.
- Q He was born too late was he? A Yes sir; that is the reason he got killed, they couldn't arrest him.
- Q Do you know anything about your grand-father on your father's side? A No sir; you can find that out from my grand-mother she lives at Red Bird; Wiley Jones and Wiley McIntosh; Bass Reid, and I am known by the Jailer (at Muskogee) Gus Lubis.
- Q Did you ever make application to the Dawes Commission, the Commission to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes for enrollment as a citizen of the Creek Nation? A Yes sir, I written them, and they said I would have to be re-enrolled as a Creek citizen.
- Q Do you claim to have any Creek blood in you? A. I don't think I have any Indian in me. I am about the only one living among the Hope family that aint got it.
- Q When did you write that letter you referred to and they answered you that you would have to be re-enrolled?
- A It was in July, 1906.
- Q Was that the first application that was ever made for your enrollment as a Creek citizen? A No sir, I have written several other letters, but I don't believe I was backing them correctly, or something.
- Q You don't believe you were addressing them correctly?
- A No sir, I don't believe I was, because when I sent them one to the Dawes Commission I been getting all the letters right since.
- Q When do you think you wrote these letters? A Off and on; I have written two or three along in August and July.
- Q How long had you been in the penitentiary when you wrote the first letter, making application for your enrollment?
- A Been there about five or six months.
- Q Are you positive of that? A I think so.
- Q Are you sure you wrote a letter shortly after you got there?
- A Yes, right shortly after I got there, but I never received no reply from them.
- Q You are sure it was within a year? A. It was a shorter time than that still.
- Q Do you know if the Creeks ever enrolled you? I was enrolled under Isparhecher, the old Indian Chief.
- Q Where were you enrolled by Isparhecher? A. Why I was put on, - the town chief takes our name and puts it on the roll.
- Q What town roll did you belong to? A Thewalthe.
- Q When was your name put on that roll? A. When I was a baby I guess two or three days old, or a week.

- Q You don't remember it? A No sir.
- Q How do you know you were put on that roll? A I know they put every body's name on it.
- Q You just suppose your name was on it, because it was the custom to put people's name on the roll? A. No sir, I was told by the town chief my name was on it.
- Q Who was the town chief that told you your name was on that roll? A His name was George Taylor or Tom Taylor.
- Q When did he tell you that? A He told me that when I was about, - - When we was up there getting that money I seen him and he told me.
- Q Under what name did he tell you were enrolled? A Kid Glass
- Q How came he to tell you that? A He just walked up to me and put his hand on me and told me; but of course, my mother told me lots of times before that.
- Q Was your father on any roll? A Yes sir, but I can't place what roll he was on. That is the reason I say his mother right there would tell you exactly, - Susie Marshall, Red Bird.
- Q Did you authorize William M. Cravens to make application for your enrollment as a Creek citizen? A No sir.
- Q He told me, he says I will get you out right away if you will make me a deed to your land; I told him to get me out and I would give him a deed, and he went to work and tried to make this out, and I didn't know anything about it at all until the Dawes Commission notified me.
- Q How did you expect to give him your land? A Lease.
- Q You didn't own any land at that time, did you? A. Well, I was there on it, but I didn't have it in cultivation or nothing like that.
- Q Do you know who has got possession of that land you had?
- A No sir; there is a little town Henryetta, come right through there, and tore it all to pieces.
- Q Was application ever made to the Dawes Commission or the Commission to the Five Civilized Tribes for the enrollment of your mother? A. No sir, she died too soon.
- Q When do you think your mother died, about how many years before you were sentenced to the penitentiary in 1899?
- A About six years.
- Q Do you think that is about right, about six years?
- A Yes, that is about as close as I can come to it.
- Q When did you move to Henryetta? A. I didn't move to Henryetta; I moved near Henryetta; Hugh Henry has got a ranch right there; I was away north of Hugh Henry's ranch.
- Q How far did you live from Henryetta? A I said at Brush Hill.
- Q Who do you think you addressed your letters to when you first went to the penitentiary, when you were writing about your land? A. I used to back it to the United States Land Office, when I first went to the penitentiary.
- Q Where did you address them to? A Muskogee.
- Q You haven't been back to the Indian Territory, since you were sentenced in 1899, have you? A No sir.

(3)

I, S. T. Wright, stenographer to the Commissioner to the Five Civilized Tribes, on oath, state that I recorded the testimony and proceedings had in the above entitled cause on February 3, 1907, and that the above and foregoing is a true and correct transcript of my stenographic notes thereof taken on said date.

S. T. Wright

Subscribed and sworn to before me this February 3, 1907.

Edward Herbert

NOTARY PUBLIC.

COMMISSIONER TO LANDS			
No.	Received	Date	By
27915	JUL	7 1906	

7-14-06

Glass, Kid
Ft. Leavenworth, Kas
July 7, 1906.

✓
1043

Wants information relative to
his allotment.

Wayless

UNITED STATES PENITENTIARY, LEAVENWORTH, KANSAS.

TO THE PERSON RECEIVING THIS LETTER:—Do not come to visit prisoners on Sundays, Washington's Birthday, Lincoln's Birthday, Decoration Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas or Saturday afternoon. You will not be admitted. Parties corresponding with prisoners must carefully comply with the following directions: **Write plainly in the English language only.** Confine yourself strictly to family or business affairs. Correspondence about criminal and indigent offenses will not be tolerated. In addressing letters and newspapers, write the prisoner's full name and register number plainly in ink on the envelope or newspaper wrapper in order to insure the prisoner receiving them. All letters and newspapers improperly addressed will be returned to the Postoffice. Do not write on newspapers, magazines, books, etc. Postage stamps and stamped envelopes will not be admitted. Postage stamps are furnished by the Government. Daily and weekly newspapers of a respectable character, magazines, religious papers and books, family photographs, comb, brush, tooth powder, soap, foot brush, sand, hair mirror, suspenders and plain white handkerchiefs are admitted during the prisoner's good conduct. In sending letters, newspapers, books, etc., use postage stamps enough to insure delivery. All letters, papers, books, magazines, etc., are closely examined before being delivered to prisoners. Money may be sent by draft or postal order. In some other way will be at sender's risk. All moneys received will be kept in the office to the prisoner's credit and paid to him on his release, or it may be sent on order upon the approval of the Warden, to his relatives and friends. **No entablen, liquids, tobacco or cigars will be admitted, nor any articles except those mentioned above.** Chewing tobacco and toilet soap are furnished by the Government. No smoking permitted. Prisoners can write letters but once every two weeks and see friends or relatives not oftener than once every four weeks, except on special written permit of the Warden obtained before sending to the Penitentiary. All letters and newspapers addressed to prisoners WITH THE FULL NAME AND REGISTER NUMBER WRITTEN PLAINLY IN INK on the envelope or wrapper, should be sent in care of P. O. Box 7, Leavenworth, Kansas.

TO THE PRISONER:—Write plainly in English. Do not scrawl. Put but one lined writing on each ruled line. Letters addressed to "General Delivery" in cities of 10,000 inhabitants and over will not be accepted. Letters addressed to prisoners and received from prisoners to Penitentiaries, reformatories and jails will not be mailed or admitted. **CORRESPONDENCE WITH PRISONERS DISCHARGED FROM THIS PENITENTIARY NOT PERMITTED.**

PUT YOUR NAME AND REGISTER NUMBER HERE.

Name *Ed Glass*
Register No. *2067*

Prisoners are permitted to write only on this style of paper and with pencil, except by a special order.

PUT FULL ADDRESS OF YOUR LETTER HERE, GIVE TOWN, COUNTY AND STATE

Street and Number in Cities of Free Delivery.

Name *James Commiskey*
No. _____ Street _____

Town *Muskegon* Ind *95*

County _____

State _____

July the 17 and 18 1906

Sir I am writing to you this day in the hope of my
 I have had neither child or child in prison
 may say my claim neither an mother and mother
 I had my first child when I was 18 years old in
 September 1899 and was then sent to there
 turn at 10 years on the 9 day of December
 By Judge P. Thomsen and my wife is
 old 11 years I am writing now my mother
 and father are both dead my mother
 on my mother since since I have been
 But my mother is on father's side
 side are my mother's name is my
 mother and my father are named
 Dick Jones and my mother's name
 Marie Rasmussen and my father and his
 mother was on a boat of 18 years till but
 my mother and wife was on the Roll the
 to on the 18th day of the 18th of the
 and mother and wife is on the of my
 living wife is on

This is the name of them Sharp ^{Hope 9356} ~~Hop~~ ^{Hop} and the other is name Henry ~~Hop~~ ^{Hop} and
 article is name. ~~Hop~~ ^{Hop} and
 Rehafter ~~Hop~~ ^{Hop} Daniel. camp for White Hop ³⁰⁰⁷
 Drank Hop ~~Hop~~ ^{Hop} and ~~Hop~~ ^{Hop}
 and i think ye saw Jack at this at once and
 Let me know i am want square to know in
 that. I am all so up Grand matters
 and if ye cant get it as ye had held it
 over. I tell ye can it i cant have
 have a bad luck i will be out in
 October then and ye will be out far
 ye while it is has to see the sand
 and i will come to ye and i will
 for my self. so if it is in the
 that ye will get it. I case
 Let me know and when ye get this it will
 be more to ye
 Please and let me hear from ye
 I will be
 Edid Glass

COMMUNICATION NO. 117	
NO.	Received
27915	JUL 7 1906

7-14-06

CLASS, Kid
 Ft. Leavenworth, Kas
 July 7, 1906.

6/1043

Wants information relative to his allotment.

Wentworth

Class, Kid

Leavenworth, Kas

July 7 1906.

Wants information relative to
big allotment.

UNITED STATES PENITENTIARY, LEAVENWORTH, KANSAS.

Kid Glass

Dawes Commission

Register No. 2009

Muskogee ind I T

July the 7 and 4 1906

Dawes Commission

Sir Repling to yo this Day in the Reged of my Land i Had nether
Fild are Had no inPruvement on my clam nether on Mother are Father
i Had Just Start When i Get Rested in September 1899 and was then
Senter to there turn of 10 year and on the 9 Day of December By
John R. thomas and my Peple is old What i Have Living now my
mother and father are Dead and Grand mother on my mother S ide
Since i has Bin Here But Grand mother on father Side are Living
here name is Susie Marshal and my father are name Dick Glass and
my mother Waw name Sarie But What Roll my father and His mother
was on i cant Rember Well But my mother and unkle was on the R oll
the call the Thelemarthale Roll With me and mother and unkle is
on the af my Living unkle is on This is the name of them Sherry Hop
and ther other is name Henry Hop and Antie is name Nellie Hop and
Rebaker Hop Danal Campan Witie Hop Frank Hop Willie Hop Edie Weaver
and i Wish yo can Look at this at once and Let me no i am name enae-
where in that town all So my Grand mother and if yo cant get at it
as yo Wash Hold it over untell i can if i Dont Have Have no Bad
Luck i Will Be out in October the 5 and yo will Be Pade for yo
truble if i Has to Sell the Land and i Will cam to yo and Speak
for my Self so if it is any more that you Wood Like to no Please
Let me no and When yo Get this it Will Be monie to yo

Write soon of yo Please and Lat me Hear from you

yo true

Kid Glass.

COMMISSIONER TO THE CREEK			
No.	Received	Date	File
31235			

Transferred

Glass, Kid, #2009
Leavenworth, Kansas,
July 22, 1906.

En. #1043

Wants to be enrolled again as a
Creek citizen.

CREEK ENROLLMENT.
~~CREEK ENROLLMENT.~~

Haynes

UNITED STATES PENITENTIARY, LEAVENWORTH, KANSAS.

TO THE PERSON RECEIVING THIS LETTER:—Do not come to visit prisoners on Sundays, Washington's Birthday, Lincoln's Birthday, Decoration Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas or Saturday afternoon. You will not be admitted. Parties corresponding with prisoners must carefully comply with the following directions, viz:—Write plainly in the English Language only. Confine yourself strictly to family or business affairs. Correspondence about criminal and indecent matters will not be tolerated. In addressing letters and newspapers, write the prisoner's full name and register number plainly **on the envelope or newspaper wrapper in order to insure the prisoner receiving them.** All letters and newspapers improperly addressed will be returned to the Postoffice. Do not write anything on newspapers, magazines, books, etc. Postage stamps and stamped envelopes will not be admitted. Postage stamps are furnished by the Government. Daily and weekly newspapers of a respectable character, magazines, religious papers and books, family photographs, comb, brush, tooth powder or soap, tooth brush, small hand mirror, suspenders and plain white handkerchiefs are admitted during the prisoner's good conduct. In sending letters, newspapers, books, etc., use postage stamps enough to insure delivery. All letters, papers, books, magazines, etc., are closely examined before being delivered to prisoners. Money may be sent by draft or postal order. If sent in any other way will be at sender's risk. All moneys received will be kept in the office to the prisoner's credit and paid to him on his release, or it may be sent on his order, upon the approval of the Warden, to his relatives and friends. **No eatables, liquors, tobacco or cigars will be admitted, nor any articles except those mentioned above.** Chewing tobacco and toilet soap are furnished by the Government. No smoking permitted. Prisoners can write letters but **once every two weeks** and see friends or relatives **not oftener than once every four weeks**, except on special written permit of the Warden obtained before coming to the Penitentiary. All letters and newspapers addressed to prisoners **WITH THE FULL NAME AND REGISTER NUMBER WRITTEN PLAINLY IN INK** on the envelope or wrapper should be sent in care of **P. O. Box 7, Leavenworth, Kansas.**

TO THE PRISONER:—Write plainly in English. Do not interline. Put but one line of writing on each ruled line. Letters addressed to "General Delivery" to cities of 10,000 inhabitants and over will not be mailed. Letters addressed to prisoners and received from prisoners in Penitentiaries, reformatories and jails will not be mailed or admitted. **CORRESPONDENCE WITH PRISONERS DISCHARGED FROM THIS PENITENTIARY NOT PERMITTED.**

PUT YOUR NAME AND REGISTER NUMBER HERE.

Name *John J. Hall*
 Register No. *2009*
 Prisoners are permitted to write only on this style of paper and with pencil, except by a special order.

PUT FULL ADDRESS OF YOUR LETTER HERE. GIVE TOWN, COUNTY AND STATE
 Street and Number in Cities of Free Delivery.

Name *Chief Commissioner*
 No. *To the fine civilized tribe* Street
 Town *Chuskaaget* in *Calif.*
 County

July The 22 1906 State
 Sir i' Has Re sine yo kind
 and helpam letor and Has Glad to here
 from yo man i will tell yo Hall i did
 William m. Evans and Iride to do that. he told
 me in 1899 December the 9 day after i was
 commickled for 10 Year that He Wood let me
 out after i serve 3 Year it i may let
 Him have these plates for 5 Year so i
 told Him if He will let me out which he
 no that he can he case he had me getting
 i told let Him have the plates for 5
 Year and He will per Hog trade one time to let
 anything even for my But He Bin trying to.
 That my Land and i never tell Him what
 Rall i was an nether tell him where my people
 nether Hall to let at it there fore he call
 me as a citize. By adaption of the Creek
 nation But i will tell yo i am a citizen
 of the Creek that is the way i was. Rall
 and the say that all has to be in Rall again

and there for i Reting to ya in that notice
 to Be in Roll again and
 Take ya as my Gaurdeen over the Land
 and i Will Get some of my Peple when
 i get out and Prune these Right
 i Has a Grand Mather size at Chastre
 G.W. an my forther saike By the way
 name of Judezy mashell she is
 know. Will By the Peple in many
 in mudpates So Good By
 from me
 Bid I last name
 Peter at 2009

COMPLETION TO 1:12 1906	
No.	Received
31235	191 2 3 1906

(Inscribed before)

Class, Kid, #2009
 Leavenworth, Kansas,
 July 22, 1906.

En. # 1043

Wants to be enrolled again as a
 Creek chelsen.

CREEK ENROLLMENT.
 OFFICE OF THE AGENT.

Mashell

Glass, Kid, #2009
Leavenworth, Kansas,
July 22, 1906.

Wants to be enrolled again
as a Creek citizen.

UNITED STATES PENITENTIARY, LEAVENWORTH, KANSAS.

Kid Glass
Register No. 2009

Dall Commissioner
to the five civilized tribe
Muskogee, Ind. T.

July the 22 1906

Sir i Has Resive yo eind and Welkam later
and Was Glad to here from ye now i Will tell ye How Did William
M. Gravens Tride to Do that. he tell me in 1899 December the 9
Day after i Was convicted for 10 year that He Wood Get me out
after i Surve 5 year if i Will Let Him Have these Places for 5
Year so i told Him if He Will Get me out Which he me that he can
becase he Plead me Gilty i Wood Let Him Have the Places for 5
year and He never Has tride one time to Get anything Dun For me
But He Been tring to Get my Land and i never tell Him What Roll
i Was on nether tell him Where my Peple nether How to Get at it
there fore he call me as a citizen By adapiton of the Creek Nation
But i Will tell ye i am a citizen of the Creek that is th Way i
was Roll and the say that all Has to be inRoll agan and therefor i
Reting to ye in that natil to be inRoll agan and take ye as my
Gaurddeen over the Land and i Will Get some of my Pleple When i
Get out and Pruve these Right i Has a Grand mother Live at
Chaske I. T. an my forther Saide By the name of Sussey Marshall She
is Know Well by the Peple in Muskogee

So Good By

from me

Kid Glass none

Better as 2009

Dec Thir 10-
1906

Kansas City Kans

Referring to the Falls.

Commissioner to the fire
Insured Ed Trilts i Had re
since ye Dec 2 Some time that i
Had stated to go. That was expected
But set for an October then
1906 But the Has taking 5-9 day
from me which it made me stay
untill the 4 Dec. and then i
Was sick & i Was so sick and
Took so Bad untill the
Conductor than taught i
Had some kind of Disize and
i Was Put off and i Has spent
all the 6 dollar that the fire
to me and now i am living
on the hand of the Peple

I state to you that it
 had been that you had
 after my said for me and
 said that it would be
 given a reasonable time
 But I am getting better now
 say you all so said that all
 the way of may that William
 C. was was 13 years of age
 1941 to that a fine but he
 has nothing to do with it
 is 13 years of age with the
 call that there was the with
 all of my uncle my Grand
 another is Supper was the time
 I was a little town call
 Red Bird But she is not
 another said call with me

3)

This is some of my people
that is anthe same Hall
with Soper Hap and
Henry Hap - Willie Hap
Frank Hap Edith Hap
Samuel Campbell Rector
Hap - Willie Hap as sick
as i am if i was there
i would say to you all and
Sister Mary Jane and
most and if you want to
find them my Grand
mother Jane will
Mackintosh will tell you just
where she live and my
father has name
De H. Galt Walker - none
- 1 - Sarah Hap

(11)

i am ardy Givemye
the name That if Wand
to Look them up and see that
i am a Creek Citizen
That if yo Want to Look
it up and sell it and send
me my Part afte the name
for yo truly for that
Was my intencion and
sell it is i Has Bin and
now i Wand af to sell
it Long ag

Yo
Ther
It id Glass

Back yo Leters like
it is an the in relaps

Dec the 10 1906

Kans City Kans

Repling to the Dalls Cammissioner to the five Civilized tribes i Had resive yo later Sanetime that i Had Stated to yo that was expect Be Set free an October the 5 1906 But the has taking 59 day from me wich it made me stay untell the 4 Dec and When i Was Relice i Was Scold and Look so Bad Untell the cunduc- tor thar taught i Had some cine af Disise and i Was Put off and i Has Spend all the 5 Doller that the give to me and naw Just Living on the Hand of the Peple

I state to yo that i Wood Wish that yo Wood Look After my Land for me and yo said tht i Wood Be Given a reasonable time But i am Geting Beter now So yo all So Saide that on the 24 of May that William Gravens Was Before yo all 1901 to that a case But He H as nothing to Do With it i BeLong on the Rol With the call the thelemarthele With all of my unkles my Grand mother is Suzer Mashele Live Close a little town call Red Burd But She is not on the Sam Roll With me this is some of my Peple that is on the same roll unkle SHarper Hop and Henry Hop -- Witie Hop Frank Hop Edie Wever Danial Campel Reboker Hop -- Nellie Hop as sich as i am if i Was there i Wood of Dun sale it and Pade yo For yo good Cindness and if yo Want to find Where my Grand mother live Wite Macktussh Will tell yo Just Where She Live and my farther Was name Dek Cass Mother name Sarie Hop

i an only Given yo the name that if Want to Look then up and see that I an a Creek Citizen that if yo Want to Look it up and Sell it and Send me my Part of the mame for yo trubel for that Was my intension and sick is i Has Bin and now i Wood of Dun sale

11 Long 95.

To

Rever

Kid Glass

Back yo letters like it is on the invloer

STANLEY J. WALKER
JAMES M. WALKER

STANLEY J. WALKER
JAMES M. WALKER

En 1043.

Muskogee, Indian Territory, January 10, 1907.

Kid Glass,

Wyandotte Furniture Company,
911-1/2 Minnesota Avenue,
Kansas City, Kansas.

Dear Sir:

In reply to your letter of December 12, 1906, you are advised that further testimony is desired in the matter of your alleged right to enrollment as a citizen of the Creek Nation. You are further advised that 10 days from this date will be allowed you within which to appear at this office with such witnesses as you may wish to have testify in said cause. This matter should receive your immediate attention.

Respectfully,

Commissioner.

Kansas City, Kas., 11 1907.

Department of the interior

Commissioner to the Five Civilized Tribes

Sir i recieve yo leter on the 11 Day of Januray and I will hast
to say to you like this I am sory that yo has call on me and iam
in the that i am i wreting to yo When I was Relice and was
Sick and cuding com and that is Gane thing i cudent at the Presint
time and now in a Bad CunDishing my Leg Was taken off and it Had
to be taken care and that taken all the monie that i Had and i
was Put off in a Strange Place and yo arner yo no the cunDissian i
Was in By yo ane filing is it any way under the sun of God that
you can Put it off and Lauw me achance for my Home i Wood Like
to com at once But i cant Which i can Please Will yo Put it off
untell i can Get able to call at yo office By the Last of nest
month if i ceep on mendingin i cud Be there But ant the President
tine i cudent By

There and Less i Die i Will Be
ther on the Last of February so ancer my

Leter Soon and Let me Here from yo at
once yo ever

frind me

Kid Glass

Cr.En.1043.

Muskogee, Indian Territory, January 19, 1907.

Kid Glass,

Wyandotte Furniture Company,

911 Minnesota Avenue,

Kansas City, Kansas.

Dear Sir ---

Receipt is acknowledged of your letter of January 11, 1907, in which you state that it will be impossible for you to appear within ten days as you were advised January 10, 1907, on account of sickness, but that if you are able you will appear at this office the last part of February to testify in the matter of your application for enrollment as a citizen of the Creek Nation.

Your attention is called to the following provision of the act of Congress approved April 26, 1906:

"That the rolls of said tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

In view of the above provision of law you are advised that it is not deemed advisable to wait until the last part of February for an introduction of proof in said application, and if it is impossible for you to appear in person sooner, you will be allowed ten days from this date within which to introduce at the office of the Commissioner in Muskogee, Indian Territory, such witnesses as you may desire to have testify relative to your right to enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

EX 1043

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

7491

W.

Muskegee, Indian Territory, January 23, 1907.

Thomas Harrison,
Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that you will be allowed five days from date hereof, within which to appear at this office in the matter of the application for the enrollment of Kid Glass, as a citizen of the Creek Nation.

The Act of Congress approved April 26, 1906 (34 Stat., 137), provides:

"That the rolls of said tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

In view of the above, you are urged to appear to testify in the matter of said enrollment, and more particularly as to whether said Kid Glass received any money from the Creek Nation, as to his Creek Town, and by what name he may have been enrolled on the tribal rolls of the Creek Nation.

Respectfully,


Commissioner.

REFER IN REPLY TO THE FOLLOWING:

IN 1043

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

7891 ✓
H.

Muskegee, Indian Territory, January 23, 1907.

Harriet Glass,

Tulsa, Indian Territory.

Dear Madam:

You are hereby advised that you will be allowed seven days from date hereof, within which to appear at this office in the matter of the application for the enrollment of Kid Glass, as a citizen of the Creek Nation.

The Act of Congress approved April 26, 1906 (34 Stat., 137), provides:

"That the rolls of said tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

In view of the above, you are urged to appear to testify in the matter of said enrollment, and more particularly as to whether said Kid Glass received any money from the Creek Nation, as to his Creek Town, and by what name he may have been enrolled on the tribal rolls of the Creek Nation.

Respectfully,



Commissioner.

Form No. 102. M. T.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED
24,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

ROBERT C. CLOWRY, President and General Manager.

RECEIVED

01 KB DS W 911PM Office

Snake I T

Give better address or cant deliver yours date to Kid Glass

911 1/2 Minnesota Ave signed Bixby commissioner Party

Not known. Unknown. Unable to locate.

Kansas City, Mo. 2/2nd

MONEY TRANSFERRED BY TELEGRAPH.

CABLE OFFICE.



FORM 2.

TELEGRAM

(Copy)

THE POSTAL TELEGRAPH-CABLE COMPANY

OF TEXAS.

This Company transmits and delivers Messages subject to the terms and conditions printed on the back of this blank.

S. M. ENGLISH, GENERAL MANAGER.

COUNTER NUMBER.

TIME FILED.

CHECK.

Of. B. Govt. Rate.

M.

Send the following message, without repeating, subject to the terms and conditions printed on the back hereof, which are hereby agreed to.

Kid Glass,

911-1/2 Minnesota Avenue,

Kansas City, Kansas.

My representative will meet you at above address

February third ten A. M.

BIXBY

Commissioner.

The Postal Companies Reach all Important Points in the United States and British America, and via Commercial Cables, all the World.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Kid Glass as a Creek freedman.

D E C I S I O N.

The record in this case shows that on May 24, 1901 application was made for the enrollment of Kid Glass as a Creek freedman. Further proceedings were had February 3, 1907. Certain letters and other papers relating to this case are made part of the record herein.

The evidence and an examination of the records of this office fail to identify the name of said Kid Glass upon the 1890 authenticated tribal roll or the 1895 pay roll of the Creek Nation.

The evidence shows that said Kid Glass is about twenty-eight years of age; that on December 9, 1899 he was removed from the Indian Territory to the United States penitentiary at Fort Leavenworth, Kansas to therein serve a term of imprisonment and was released therefrom October 5, 1906; and that on account of the inability of said Kid Glass to appear before this office a representative of the Commissioner was sent to Kansas City, Missouri, and took his testimony under oath with reference to his application herein.

The evidence and the records of this office show that said Kid Glass is the son of Dick Glass deceased and Sarah Hope deceased, whose names appear opposite Nos. 1107 and 238 as "Dick Glass" and "Sarah Dyle" respectively, upon the roll of Creek freedmen prepared by J. W. Dunn under authority of United States prior to March 14, 1867.

It is, therefore, ordered and adjudged that said Kid Glass is entitled to be enrolled as a Creek freedman under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat. L. 495) and March 1, 1901 (31 Stat. L. 861), and the application for his enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 23 1907

Muskogee Indian Territory, *Feb 23* 1907.

Commissioner to the Five

Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Creek Nation hereby waives protest in this case, reserving to itself, however, the right to attack the enrollment of this person if after investigation it is found that said enrollment was obtained upon fraudulent evidence.

Respectfully,


Creek National Attorney.

En 1043
Creek 1.1917,

Muskogee, Indian Territory, March 16, 1907.

Kid Glass,

Brushhill, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, approved your enrollment as a Creek Freedman, opposite Number 8683.

You are now entitled to allotment, and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1044

CR EN 1044

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY.
JULY 16, 1906.

In the matter of the right to enrollment of Nathan Tom
as a freedman citizen of the Creek Nation.

APPEARANCES: L. M. Mott, attorney for Creek Nation.
Harry G. Davis, attorney for applicant.

Nathan Tom being first duly sworn testified as follows:
Questions by Commissioner:

- Q: What is your name? A: Nathan Tom.
Q: Did you ever have any other name? A: No sir.
Q: Were you ever called anything else besides Nathan Tom?
A: Yes sir, I was called Nathan Miller.
Q: Were you ever called anything else besides Nathan Tom or
Nathan Miller? A: No sir, only those two names.
Q: Why were you called Nathan Miller? A: Because my Uncle drew one of my payments.
Q: Because your uncle drew one of your payments? A: Yes, I guess he made a mistake and put my name down as Nathan Miller.
Q: Well that is what has been told you is it? A: No, I know that fact from his word.
Q: In other words that is soething he has told you? A: Yes sir.
Q: How old are you? A: 24 years old. Will be the 28th of this coming September.
Q: Aren't you older than that? A: No sir.
Q: When were you born? A: In '82.
Q: Can you read or write? A: A little.
Q: What day of the month is this? A: I think it is the 16th.
Q: Of what month? A: July.
Q: What month in the year is this? A: 7th.
Q: What year? 1906.
Q: Where did you go to school? A: Old Agency 4 miles out.
Q: What is your post-office address? A: Muskogee is my post-office.
Q: That is where you get your mail? A: Yes sir.
Q: What is your purpose in appearing before this Commission?
A: Well I want to get my rights on the land I was in, they gave me a notice, at least my father gave me a notice that I was filed in the Choctaw Nation on my mother's side.
Q: That you could file in the Choctaw Nation on your mother's side? A: Yes sir, and I went over there and they told me my mother was not on the record.
Q: Where did you go? A: To Atoka.
Q: Do you know whether you had ever been admitted to citizenship in the Choctaw nation before you went there?
A: No sir, I went to my Aunt and asked her about it and the best I can get it from her, she said to come and see for myself.
Q: Why do you come here now?
A: For my rights on my father's side.
Q: For what? A: As a Creek Freedman.
Q: What was the name of your father? A: Jimmy Tom.
Q: Is your father living? A: Yes sir.
Q: How old is he? A: I couldn't say, I couldn't tell exactly how old he is.
Q: Is he about 50 years old? A: No sir, he is between 45 and 46.

- Q: Has he received his allotment? A: Yes sir.
- Q: Do you know anything of his father? A: Yes sir..
- Q: What? A: I know his last name but I don't know his first name. His last name was Tom.
- Q: What was the name of his mother? A: He never told me.
- Q: What Indian Town do you belong to? A: I guess I belong to the Old Agency.
- Q: There is no Indian town as the Old Agency.
- A: That is as far as I know of course he never told me anything about it.
- Q: Where were you born? A: Born on Deep Fork.
- Q: Near where? A: Checota, Eleven miles from Checota.
- Q: In what nation? A: Creek Nation.
- Q: How long did you live there after your birth? A: I couldn't exactly tell you how long, I lived there after my birth.
- Q: How long did you live in the Creek Nation after your birth?
- A: I lived here 24 years.
- Q: Have you been out of the Creek Nation? A: No sir.
- Q: You have never been out of the Creek Nation? A: No sir, I have been to Eufaula.
- Q: Never been outside of the territory? A: No sir I have been in the Choctaw nation.
- Q: How long did you stay down there? A: Two weeks.
- Q: Is that all? A: Yes sir.
- Q: Is that the longest stay you ever made out of the Creek Nation? A: Yes as I stayed there, but I stayed longer at Tulsa.
- Q: How long did you stay there? A: That is in the Creek Nation too. I stayed there 3 weeks.
- Q: But you have lived in the Creek Nation or the territory all your life? A: Yes sir.
- Q: Have you any brothers or sisters? A: Yes sir.
- Q: What are their names? A: The oldest is named Amelia Thomas.
- Q: What other brothers or sisters have you? A: Flora Thomas
- Q: Next? A: Fred Thomas.
- Q: Any others? A: Frank Thomas.
- Q: What is the name of your mother? A: My mother's name is Hettie, her first name is Hettie Bruner, I think that was her first name.
- Q: You mean her maiden name? A: Yes sir.
- Q: Do you know whether she was married to your father?
- A: No sir, I don't know anything about that.
- Q: Do you know who was the mother of Amelia? A: Yes sir
- Q: Who? A: Hettie. A: Ketty.
- Q: Do you know who was the mother of Flora? A: Hettie Kettie
- Q: Who was the mother of Fred? A: Hettie.
- Q: Who was the mother of Frank? A: Hettie. Katy.
- Q: Is your father married to any of the women you have mentioned? A: Yes sir.
- Q: Who is she married to now? A: He is married to Mahala.
- Q: She is a young woman ain't she? A: Yes sir.
- (Statement by Commissioner:)
- The name of William Tom, the late father of said Applicant appears on Creek Freedman Card field Number 1084, his name also appears on approved schedule Creek Freedman opposite No. 4044)
- Q: Was Hettie Tom a citizen of any of the Nations of the Five tribes? A: No sir. The way it was told she wasn't a citizen at all at least she wasn't a citizen here but in the Choctaw Nation.
- Q: Then she was a states woman? A: Yes sir, a states woman
- Q: She must have been a black woman, a colored woman?
- A: Yes sir, a colored woman..

- Q: Did you ever appear before this commission before today for the purpose of making application for enrollment as a creek freedman? A: No sir, I came here ~~last~~ last fall.
- Q: Did you ever appear before this office before today for the purpose of making application for the enrollment of yourself as a creek freedman? A: No sir, not before today
- Q: Do you know whether any application was ever made for you before today? A: No sir not exactly, but I came here last fall to find it.
- Q: You say you came here last fall, what time? A: On October 3, 1905.
- Q: How do you remember that date? A: Because I came in here and found out.
- Q: How do you remember the date? A: How do I remember? I remember the date.
- Q: Did you look at a ~~salender~~ to find out what date it was? A: Yes sir.
- Q: You always look at a calander to findout what you do? A: Yes sir.
- Q: That is your invariable rule? A: Yes sir.
- Q: Are you married? A: No sir.
- Q: Ever been married? A: No sir.
- Q: What have you ever donw towards establishing your alleged rights as a Creek Freedman? You say you never came up here, where did you go, what did you do? A: I farm and work around different jobs.
- Q: What did you ever do in order to get your alleged rights as a creek freedman. A: I lived out to the old Agency until a couple of years ago.
- Q: Then you didn't do anything until about 2 years ago? A: No sir.
- Q: What did you do then? A: I went down to Atoka.
- Q: There you found out you were not enrolled as a Choctaw? A: Yes sir.
- Q: Then what did you do? A: I wrote to my old man and asked him about it.
- Q: To Tom? A: Yes sir.
- Q: What did he say about it? A: He told me to come home and he would see about it.
- Q: Then what did you do after you had written to him? A: I worked around and came in last fall, I thought it was all right, that is the reason I came.
- Q: Answer the plain question, what did you do yourself after you had written to your father about it? A: After I had written to him he sent an answer to come home.
- Q: Then what did you do in order to get your alleged rights as a Creek freedman? A: I never done nothing then, I thought he done got it the reason he said come home.
- Q: Has anybody done anything for you since then? A: Not as I know of, no sir.
- Q: When did you hire this gentleman here as your attorney? A: I hired him last October.
- Q: Last October? A: Yes sir.
- Q: What did you tell him at that time, did you not tell him to try to get you enrolled? A: Yes sir.
- Q: You don't know that he has done anything since? A: Yes sir, he wrote a few letters to the Secretary.
- Q: Then that is all that has been done is it? A: Yes sir, that is all that has been done.

Questions by Harry G. Davis, Attorney for Applicant:

- Q: Where has been your home Nathan since you were born?
A: Well my home has been at the old Agency.
Q: Is that in the Creek Nation? A: Yes sir.
Q: Have you ever established a home any where else than in the Creek Nation? A: No sir.
Q: I wish you would explain in your own way what you did when you came to the commission last October, you said you came here? A: Well I ~~came in~~ I went to the Dawes Commission office down there.
Q: Went to the Dawes Commission office then what did you do?
A: I asked them if my father was on the record, he asked the name, and I told them it was William Tom. Then he asked my name and I told him it was Nathan Tom.
Q: Did you then ask to be considered as a citizen of the Creek Nation? A: No sir.
Q: Did you tell them at that time you wanted to be a citizen of the Creek Nation? A: No sir, I just thought my father had done filed for me.
Q: What did you do then? A: He looked over the record and found my sister and brother's names but not mine.
Q: Is there any reason why you did not appear before that time and ask to be enrolled and if so ~~what~~ why?
A: Yes sir, because I thought my father had.
Q: Why did you not come before the Commission and ask to be enrolled as a citizen of the Creek Nation prior to that time?
A: Why I just came up there and asked, I never asked to be enrolled, I just came and asked if I was on.
Q: What made you go to the Choctaw nation? A: My father wrote a letter to my sister on Deep Fork, she told ~~him~~ ~~me~~ ~~that~~ ~~was~~ ~~in~~ ~~the~~ ~~Choctaw~~ ~~nation~~. him I was in the Choctaw nation.
Q: Did you have any reason why you should expect to go to the Choctaw nation? A: No sir.
Q: Is your mother a citizen? A: No sir.
Q: Did she claim to be a citizen? A: Yes sir.
Q: Of what Nation? A: Choctaw Nation.
Q: Were you ever told you would have to follow your mother?
A: No sir not until my father told me.
Q: Did your father tell you that? A: In the letter he did.
Q: Is that the letter you received just before you went down there? A: Yes sir.
Q: What relation are you to ~~this child~~ these children, Amelia, Flora, Fred and Frank? A: Half brother.
Q: Are those children enrolled as citizens? A: Yes sir.
Q: Have they their allotments in the Creek Nation? A: Yes sir.
Q: Has your father an allotment in the Creek Nation?
A: Yes sir.
Q: Where have you been living since you were born with reference to the home of your father? A: Well I lived on Deep Fork a while.
Q: Did you ever live with your father? A: Yes sir.
Q: You divided the time, part of the time with your father and part of the time with your mother did you? A: Yes sir.
Q: Your father and mother did not live together? A: No sir.
Q: Did your father feed you and clothe you and otherwise recognize you as his son? A: Yes sir.
Q: Did you ever draw any money from the Creek Nation? A: Yes sir.
Q: When? A: I drew in '90 and '95.
Q: Did you draw this money yourself or did somebody draw it for you? A: Just between my father and uncle.
Q: Which one did your Uncle draw if you know? A: I think he drew the 1890.

- Q: Do you remember the name of that Uncle? A: Yes sir
Q: What was his name? A: Daniel Miller.
Q: Is he a citizen of the Creek Nation? A: Yes sir
Q: With whom were you living at the time your Uncle drew this money for you? A: I was living with him up the river, called Verdigris river.
Q: Do you know under what name that money was paid to your uncle for you? A: Yes he came home and told it that he got my money, he said to his wife that he had made a mistake at Okmulgee and put down my name as Nathan Miller.
Q: Do you remember when you first came to my office last year?
A: Yes sir.
Q: Had you prior to that time asked the Commission anything in regard to your citizenship? A: No sir, I didn't ask them
Q: What did you do at the Commission, what did you say at the Commission at that time? A: I just asked him was Nathan Tom Anderson there and he said no.

Questions by Commissioner:

- Q: As a matter of fact do you know whether your father and mother were married? A: No sir, I couldn't say anything about that.
- Q: Don't you know or do you know, or have you heard that they were not married? A: Yes sir I have heard it.
- Q: You heard that they have not been married.
- A: Yes, but I don't know how true that was.
- Q: Do you know of them ever living together? A: No sir.
- Q: How many wives did your father have at different times?
- A: Five.
- Q: Had five wives? A: Yes sir, 5 with the one he has now.
- Q: You are a son of the woman to whom he was not married?
- A: Yes sir, I suppose, I don't know, I have heard it.
- Q: Don't you know that by general repute? A: Yes, I have been told that.

Jimmy Tom, being first duly sworn testified as follows:

Questions by Commissioner:

your

I wish to call ~~the~~ ~~your~~ attention, not for the purpose of intimidation ~~or for the reason~~ but for the reason that a great many people have come in here and testified falsely in cases wherein they have been asked to testify. Testifying under oath is a serious matter and I wish to call your attention to the fact that we want just the exact facts and nothing more.

Statement by attorney for applicant:

The attorney for applicant in this case, objects to the action of the Commissioner in insisting upon cautioning the witness against swearing falsely, for the reason that it has a tendency to intimidate the witness and is really a hindrance instead of an aid to justice in this case.

I desire the record to show that the witness who is about to testify, has within the last few minutes been three times cautioned by the Commissioner, relative to the testimony he is about to give in this case and before he has given one word of testimony.

Questions by Commissioner:

- Q: What is your name? A: [redacted] Tom.
Q: How old are you? A: About 45 years old.

- Q: What is your post-office address? A: Muskogee.
- Q: Are you a citizen of the Creek Nation? A: Yes sir.
- Q: Have you received your allotment? A: Yes sir.
- Q: How many times have you been married? A: About 4 times.
- Q: What are the names of your wives? What is the name of your first wife? A: My first wife was Hettie Jackson.
- Q: Were you married to Hettie Jackson? A: Not exactly married but it was in the old custom just our way to take up with each other and say we were married.
- Q: Did you live with her 2 months? A: Two months, why yes.
- Q: Did you ever live in the same house with Hettie Jackson? A: Well we all was living together.
- Q: Did you ever live in the same house with Hettie Jackson? A: In the same yard but not exactly in the same house, when me and her was together we was staying with Mr. Gibson we all lived in the same yard.
- Q: Did Mr. Gibson hire you? A: Not exactly hired me, I stayed with him about 3 years.
- Q: Worked for him? A: Yes sir.
- Q: Did Hettie Jackson work for him too? A: Yes sir she worked for him too.
- Q: Who lived in the same house with Hettie Jackson at that time? A: Jeanetta McIntosh.
- Q: Who else? A: Fred Gibson, but he is dead.
- Q: Who else? A: Billy Nivens and he is dead too.
- Q: Who else? A: That is all that was living there excepting young children.
- Q: Then you never lived in the same house but lived in the same yard is that what I understand? A: Yes sir.
- Q: What sort of a looking woman was this Hettie, was she a black woman? A: Yes, a black woman about my color.
- Q: Was she as black as you are? A: About my color.
- Q: You were going with her at that time were you? A: Yes sir.
- Q: As a matter of fact was there anybody else going with her at that time? A: No sir.
- Q: Are you sure of that? A: I am sure of it.
- Q: How do you know? A: Because I was in the same yard and me and her was the only ones that went together.
- Q: Wasn't there other colored men living in the same house with her? A: A boy that was raised right there was in and out but not right there.
- Q: He slept in the same house? A: No sir.
- Q: What year was that you began going with her? A: Well when it comes to the year we hardly pay any attention to the years in those times so I can't say hardly what year it was in.
- Q: Did you go with her more than two months? A: I guess it was more than 2 months I went with her.
- Q: Do you know whether you went with her three months? A: I guess about 6 months, I went with her about 6 months.
- Q: Did you go with her any longer than 6 months? A: Well I went with her, ~~down to the bottom of the creek~~ didn't quite go with her six months because she went with her mother at Fort Smith and came back and after she came back she had this boy there, but she was in that state when she went down there, and when she came back she had this boy, after she came back she stayed there then about 6 months longer and me and her didn't went together any more after that.

- Q: Were you married at the time you were going with Hetty?
A: No sir.
Q: How soon after Hettie had this child that you speak of were you married? A: Yes sir about that year.
Q: Whom did you marry? A: I will just tell you to a tee, it was about a year and 6 months afterwards.
Q: What was the name of the woman you married?
A: They called her Carrie, but her name on the roll was Katie Thomas.
Q: What was the name of your next wife? A: Judy.
Q: What was the name of your next wife? A: Katie.
Q: Did you marry her over again? A: No sir I married all three of them.
Q: Were they different Katies you mentioned? A: Yes sir.
Q: What was the name of your next wife? A: Mahala Thomas.
Q: What was the name of your oldest child? A: My oldest one; Nathan Thomas.
Q: What was the name of your next oldest? A: Melie Thomas.
Q: What is the name of your next? Blora.
Q: What is the name of your next? A: Fred.
Q: What is the name of your next? A: Frank.
Q: What is the name of your next one? A: There ain't but 5.
Q: That is all of them? A: Yes sir.
Q: Was Hettie a citizen of any of the 5 tribes? A: They ~~will~~ claim she was a citizen of the Choctaw nation when I started to enroll this boy.
Q: Who claimed that she was a citizen of the Choctaw nation?
A: The people she was staying with, that we worked with they told me that. I don't say I know it, that is what I heard
Q: Do you remember of appearing before the Commission Field party a number of years ago and giving in the names of some of your family? A: Yes sir.
Q: Do you remember what names you gave in at that time?
A: Yes sir all my family.
Q: The names of your children? A: My full children, yes sir.
Q: Did you give in the name of Nathan at that time? A: Yes sir
Q: What was he called besides Nathan? Was it Nathan Thomas or something else? A: Nathan Thomas.
Q: Did this child of Hettie's live after it was born?
A: Yes sir, he is bound to live, he is here.
Q: Did you have any other child named Nathan? A: No sir.
Q: Did Nathan Tom ever live with you?
Q: Yes, he lived with me, but since he come of age pretty much he went back and forth to his sisters.
Q: How many years did he live with you? A: Along about 8 or 9 somewhere along there has been living with me but he has been going back and forth to Deep Fork.
Q: Where is his mother living? A: She is dead.
Q: When did she die? A: He will know exactly when his mother died.
Q: How old a boy was he when his mother died? A: About 5 or 6 or 7 years old.
Q: Was Nathan Tom living during the 1890 payment? A: Yes sir
Q: Did you draw any money for him? A: Yes sir.
Q: Did he ever go by any other name than Nathan Tom? A: Yes sir.
Q: What name? A: Nathan Miller.
Q: How did he ever happen to go by that name? A: My brother
Dan ~~was~~ he was a Counselman at that time and when he enrolled his family he enrolled him with them and put put their names down at the same time and put his name down as Nathan Miller. He draw the money for him in 1890 ~~if~~ if any was drawn, and I drew the money after my brother was killed.

- Q: What was the name of that brother? A: Daniel Miller.
- Q: What time did you draw that money? A: I drew it at the time they were paying it out.
- Q: What year? A: I don't remember what year it was.
- Q: Did you draw out yours? A: Yes I got the money after he got killed/ I went and drew the money. I drew his money by that name, I couldn't draw it by any other name.
- Q: Did you draw for anybody else at that time, the very identical time you drew for Nathan Tom? ~~xxxxxxxxxxxxxxxx~~
- A: I did for the rest of my children.
- Q: All at the same time? A: No sir.
- Q: Did you draw for anybody else at that time? A: No sir.
- Q: How much money did you draw for him? A: \$29.
- Q: Did you draw for yourself at that time? A: No sir.
- Q: Did you draw for yourself before or after? A: Before and then I went back and drew for him, I had to draw it in that name.
- Q: How many 29's did you draw at the time you drew for yourself? A: 4 I think.
- Q: Who was that for? A: Melia Thomas, and Flora and Fred and Frank and myself.
- Q: What would make 5 wouldn't it? A: Yes sir.
- Q: Are you sure you got 29 dollars 5 times at that first drawing? A: 6 times for Nathan and myself.
- Q: I am talking about when you got your own money? A: I only got 5 times then and went back and got one.
- Q: For Frank and Fred in what names did you draw at that time? A: Frank Thomas and Fred Thomas.
- Q: Was your name and the name of Amelia and Flora and yourself on the Arkansas roll? A: Yes sir.
- Q: Where was Frank and Fred? A: On the North Fork.
- Q: Now do you know how it happened that your name and 2 of your children appeared on the 1890 roll of Arkansas town and Fred and Frank appeared on North Fork?
- A: Because they claimed the children followed the Mammy and they were put on the North Fork and the other two followed the Mammy.
- Q: What is the names of those two ~~mammys~~? A: Judy and Katie.
- Q: Did you draw the '95 payment? A: Yes sir, I drew the '95 payment, and the 14 dollar payment too.
- Q: Was that two different payments? A: Yes they put out \$14 payments, that is what they claimed to. I drew the '95 payment when they paid it out and the \$14 too but I didn't draw it together.
- Q: How much money was paid in '95? A: \$29.
- Q: In 1895? A: I guess so.
- Q: Didn't you say a minute ago they paid 29 dollars in 1890?
- A: Did I say it was 1890, I said I didn't know what year it was, but I said I drew the money.
- Q: You said the 1890 payment you drew for yourself and 4 children.
- Q: If you know it was in 1890, that was the payment I drew.
- Q: That was \$29? A: Yes sir.
- Q: Didn't you draw again in 5 years? A: How much money did you draw at that second payment? A: \$14.
- Q: How many people besides yourself did you draw that for?
- A: For all 6 of us. Myself, Nathan Tom, Amelia ~~Thomas~~ Thomas, Frank Thomas, Flora Thomas, and Fred Thomas.
- Q: All in Arkansas town? A: No sir, they wasn't all in Arkansas town.
- Q: Which ones were not in Arkansas town? A: Fred and Frank.
- Q: What town were they in? A: North Fork.
- Q: Are you sure you drew the money from Fred and Frank, the \$29 payment? A: Yes sir, I drew the money, if you will give me a little straightening on that, I will tell you,

I drew the money and turned it in to my wife right then, she hadn't died then.

Q: Did you do anything towards trying to obtain any rights for this man Nathan Tom? A: Yes I did once after I tried to get him enrolled over to the court-house right down here.

Q: What did you do over to the Court-house?

A: I tried to get him enrolled there, that is what we was talking about there, I thought I could get it at the Choctaw nation.

Q: Was the Commission in the court house? A: Yes sir, before Mr. Bixby.

Q: Did you go before Mr. Bixby and try to have this Nathan Tom enrolled as a choctaw? A: Yes sir, I went before him and tried to get him enrolled.

Q: What were you trying to get him enrolled as, as a choctaw?

A: No sir, I didn't try to get him enrolled as a choctaw, I tried to get him enrolled as a creek citizen but he told me if his mother was a choctaw I would have to get him enrolled there and I stopped right there.

Q: Was Nathan Tom staying with you at that time you tried to get him enrolled in the Cheocataw Nation? A: Yes sir.

Q: Did Hettie, the mother of Nathan Tom leave her home immediately after the birth of this son and go outside of this nation? A: No sir.

Q: Did she continue to live in the Creek Nation up to the time of her death? A: Yes sir.

Q: What else did you do in order to obtain rights for this Nathan Tom? After going to the Commission at the Court house?

A: The next steps I took, I learned he couldn't get his rights in the choctaw nation because his mother wasn't enrolled there, then I came down here to another man.

Q: Was that the same year? A: No sir, I guess that was about 2 years ago. You see I couldn't get him enrolled.

Q: Did you try to get him enrolled here at the Court house as a choctaw? A: No sir as a ~~Choctaw~~ Creek. They told me He would have to make an application. I told them he was about 32 years of age and they said he would have to make his own application if he was 22 years of age, and he was at his sister's and I sent for him and I told him to make his own application, that I had tried to get him enrolled and I couldn't, I tried to get him on the Choctaw roll and I couldn't and then he tried to make out his application and I tried to help him.

Attorney for applicant objects to the manner of examining examination as conducted by the Commission for the reason that catch questions are asked and an impartial and fair examination is not at all times conducted.

Objection noted. Commissioner states:

The record will show as to whether the statement of the Attorney for applicant is correct.

Q: So you don't know of any endeavor being made to have Nathan Tom enrolled as a citizen of the Creek Nation since 3 years ago? A: No sir.

Q: You don't know whether he ever appeared here before today do you? A: He appeared here before today, he appeared here about 4 or 5 months ago.

Q: Did he ever come to the Commission himself?

A: He said he would come, after I told him he said he would come and he said he had come up here.

Q: When did he tell you that? A: When he came from his sister's, when I sent for him.

He said he would have to go back and I told him to go back and I would get a man to work on the farm in his place and he did, and then when he came back here I took him up to Mr. Davis. I thought I would have to go to a man that knew a little bit more than me about it.

Harry G. Davis, attorney for applicant interposes the following questions:

- Q: Jimmy where were you born? A: Right here in the Creek Nation, I don't know exactly whereabouts.
- Q: Have you lived here all your life? A: All my life.
- Q: Have you exercised the rights recognizing you as a citizen of the Creek Nation all of this time? A: Yes sir.
- Q: When you were living down there at that place with Hetty Jackson was that the custom, the way that people lived together as man and wife? A: It was always the custom to take up together in those times we never thought any other way.
- Q: You lived with her in accordance with the custom at that time, did you? A: According to the custom I did.

Statement by Commissioner:

The Commissioner wishes to state that the answer does not accord with previous testimony of the witness, and that the question would not seem to be proper because witness has stated he did not live with her as man and wife, that he did not take up with her in that way and that he was not married to her, and didn't recognize her as his wife.

- Q: Has there ever been a time since the birth of Nathan Tom that you have not recognized him as your son? A: I have been recognizing him all the time since he has been born.
- Q: You spoke of Hettie Jackson returning from Fort Smith shortly after the birth of Nathan, did you cohabit with her after that the same as you did before? A: No sir, we didn't went together any more like we been used to go together with her I didn't go with her at all, I just stopped off but I took care of the boy just the same.
- Q: Is Nathan Tom your boy? A: I believe he is from his mother's word, I think he is. I can't just say it is mine, she is the one to say.
- Q: Who has supported Nathan? A: I did while he was around me after she married and lived with another man I gave him what I could?
- Q: Did you show him the same rights as you did your other children? A: Yes sir, I want to if I can.
- Q: Now you stated that you appeared before the Commission at the Court house here? A: At the court-house, yes sir.
- Q: Did you at that time ask to enroll Nathan Tom as a citizen? A: Yes sir.
- Q: Of what nation? A: Of the Creek Nation.
- Q: How old was he at that time or about how old? A: Well I can't tell just exactly about how old he was.
- Q: Was he of age? A: Oh no, he wasn't of age.
- Q: Was anybody else there other than yourself there at the time? A: Katie Jerant was right there with me and Willie Baker and Charles Roberts and Dave Dixon, they were members of the council that was in there.
- Q: At the time you drew this money you spoke of for Nathan, did you draw the money as his father? A: As his father.
- Q: Were you at that time recognized by the Tribal authorities as the father of Nathan Tom? A: Yes sir.
- Q: Has anybody else to your knowledge claimed to be the father of Nathan Tom? A: No sir.

- Q: Are you or are you not as well convinced that Nathan Tom is your son as that the other children ~~whom~~ who were enrolled with you are your children? Are you just as positive?
- A: I am just as positive. I am just as positive this man is my son as any of the others I have got.
- Q: While he was living with you did he help you about the farm?
- A: Oh yes, he helped right smart around, he farmed most anything.
- Q: Same as your other children? A: Yes sir.
- Q: I wish you would go into detail and explain just what was said at the time you made your first application at the Court House to enroll Nathan? A: Well when I went down there to enroll him they called me up to enroll before Mr. Bixby, he asked me to mention the name of my parents and if they had enrolled me there, and he went back to my family himself, and he told me now to give him the name of all my children and I gave them to him and they was all with different mothers and he said right then, is all the women citizens and I told him no, one was a Choctaw, Hettie Jackson claimed to be, that I didn't exactly know, but just what they said, and he made answer, that I would have to go to the Choctaw Nation and get my rights.
- Q: Did he then and there tell you you couldn't enroll him as a Creek citizen? A: Not as a Creek citizen, he had to follow his mother.
- Q: Your other children are all enrolled are they? A: All enrolled, I enrolled the other 2 with me on the Arkansas roll, that is under the Arkansas roll.
- Q: Have they each received their allotments? A: Yes sir.
- Q: In the Creek Nation? A: Yes sir.
- Questions by L. M. Mott, counsel for Creek Nation:
- Q: How many years has it been since you made application at the Court house? A: I can't exactly say how many years it is.
- Q: Approximately? A: Oh I know as far as my judgment would run, it was a good little bit, it was when they first started to enroll them at the court-house here.
- Q: About how many years ago was it? A: Well it might be about 7 or 8 or 9 years I reckon, I can't say just exactly.
- Q: Well now you told Mr. Davis in your examination when you made application at the Court-house that Nathan was living with you? A: Yes sir he was living with me.
- Q: Well now you swore in the examination to Mr. Hiles that Nathan lived with you until you were 9 years old and then he left you. A: I didn't say he exactly lived with me he traveled back and forth to his sister.
- Q: The notes will show that you said he lived with you up to the time he was 9 years old. A: I know he lived with me until he was 9 years old.
- Q: You swore to Mr. Davis when you made the application 8 or 9 years ago he was living with you? A: He asked me how old he was and I said I didn't know exactly about 5 or 6 years old.
- Q: That is not answering my question, you swore in one examination that he left you when he was 9 years old, that he was living with you then? A: That he quit living with you then? A: No he didn't quit living with me he just went back and forth to his sisters.
- Q: You swore that he didn't live with you since he was 9 years old, that he lived with you until he was 9 years old and didn't live with you afterwards? Mr. Hiles asked you how long he lived with you and you said until he was 9 years old? A: He lived with me until he was 9 years old and traveled back and forth to his sister's.

- Q: Then he lived with you after he was 9 years old? A: He is living with me now.
- Q: Is that the way you want to answer questions? A: No sir but he asked me if he had been living there until he was 8 or 9 years old.
- Q: When Mr. Niles asked you how long he lived with you, you said he lived with you until he was 9 years old, why didn't you say he lived with you up to now? A: I thought may be I would make a little mistake.
- Q: Why do you look at Mr. Davis here, don't you look at him.
- A: I don't want to make a mistake and that is the reason I want to say it that way.
- Q: You mean he lived with you but just went on a little visit and then would come back? A: Yes sir.
- Q: Then he had always lived with you except a little visit or two? A: Since he is of age you know, when a person is of age, he goes where he pleases. He has only been of age three or four years. He is 24 years old.
- Q: You say you didn't answer my question because you were afraid you would make a mistake? A: I thought may be I wouldn't be right because he was traveling back and forth to his sisters. I mean now since he has been of age he has been going back and forth to his sisters.
- Q: Did you tell Mr. Bixby when you went there that you were married to this woman? A: No sir, I didn't say I was married to her at all.
- Q: Did you tell me you were married to the other four.
- A: To the other three.
- Q: To the other Four, didn't you swear you had five wives, counting this one? A: Four counting this one. Didn't I state four? I said I had four and Hettie I didn't say exactly she was my wife. We used to work it in that way that time, we used to think she was the wife just the same.
- Q: Do you mean to swear before this commission that it is the custom of the Creek Nation to take up a woman and not live with her or stay in the same house for 3 or 4 months and call her your wife? A: No sir, but
- Q: I didn't think you meant that? A: No sir, no sir.
- Q: There has never been any relation between you and this woman that under the Creek law would have called her your wife? A: No sir.
- Q: When you went before Mr. Bixby did he tell him the other 3 were your wives? A: Yes sir.
- Q: You were married to them? A: Yes sir.
- Q: Under the Creek law? A: Yes sir.
- Q: You say they are all dead but one? A: Yes sir, all dead but one.
- Q: When did you find out that this boy wasn't enrolled as a Creek citizen? Not recognized here on the roll as a Creek Citizen. A: When I found it out was when I came to enroll him.
- Q: When was that? A: When I went up here to enroll him to the Court-house and when I came to this man, I don't know the man he was below here, I asked him if I couldn't get him enrolled and he said no. He asked then who is he, and I told them, and he asked how old he is, and I said he is of age and he said if he is of age he will have to make it out himself.
- Q: When was that? A: About 2 years back, if you give me a little chance I think I can tell you. About 1902 when they struck out these applications for those other children to file, I knew somebody come in the house and they had filed, mine could have been filed too that is how I come to ask the question.
- Q: Did you know when you left Mr. Bixby at the court-house this boy was not enrolled? A: Yes sir.

- Q: What was about 8 years ago? A: Well I couldn't tell you how long ago it was but it was when they were enrolling at the court-house.
- Q: When did you send him to the Choctaw Nation? A: Well that has been, I couldn't say what time it was, but since I was down here I suppose it was about a year.
- Q: You waited 7 years then before you told him to go to the Choctaw nation? A: I guess it was 7 years.
- Q: Waited 7 years after Mr. Bixby told you he couldn't be enrolled as a creek citizen, you never opened your mouth until about when? A: 2 or 3 years ago, I guess it was.
- Q: 1902 or 1903 I don't know exactly when, I wasn't keeping up with the years, I was only trying to get the boy enrolled.
- Q: You did know when you left Mr. Bixby that he couldn't enroll him as a creek? A: Yes sir.
- Q: You waited 6 or 7 years before you did anything else?
- A: Yes, I wanted to know if he could be enrolled in the Choctaw nation.
- Q: When did you try to get him into the choctaw nation?
- Q: Who told you to go down there? A: I told him to go down there and try.
- Q: When was that? A: I couldn't tell you but it was before I made this application down here.
- Q: Was it a year or two ago? It was before you made this application in here? A: Yes sir, long before.
- Q: Who did you make the application to? A: I didn't make any application.
- Q: Who did you talk to? A: A man down there, a tall fellow.
- Q: You told him he was 22 years old? A: Well about 21.
- Q: Why didn't you send him in here then? A: The boy was to his sister's then. Then he was to his sisters in the Choctaw nation.
- Q: How long was it then until you made the application after you found out he had to make an application?
- A: He came back from his sisters and came back to me and claimed he couldn't get on the choctaw roll.
- Q: When did he come back? A: That has been about three months hasn't it Mr. Davis, when I came up there, I didn't just keep the time.
- Q: Did you say 2 or 3 years ago? A: No, I guess it has been 2 years ago.
- Q: He went down there about 2 years ago and came back about 3 months ago? A: Yes sir. There was only 4 months escaped that he was away from me.
- Q: What do you mean when you say only 4 months escaped that he was away from you? A: That he was gone 4 months.
- Q: You swear he lived with you all the time and went away for 4 months and that he was gone 2 or 3 years? A: I said he went down to the Choctaw Nation to try to prove his rights.
- Q: Didn't you say he went to the Choctaw Nation about 2 years ago? Then didn't you say he came back to your house about 3 months ago? A: He came to his sister and then came up here. After he became of age I couldn't run after him where he traveled.
- Q: There were 2 years that he didn't live with you, is that so?
- A: Of course not while he was trying to get his rights.
- Q: There were 2 years he didn't live with you? A: 2 or 3 years.
- Q: Didn't you swear a while ago positively and deliberately when I asked the question that he lived with you all the time except three or four months when he went on a visit, then you have stated what is not so, have you not?

- A: It was so, when he was under age he would do that he would go and come and see his sister and then come back to me but I considered when he did that that he lived with me about 8 or 9 years and then he went and stayed to his sister's a couple of years.
- Q: Suppose the boy swears that he never lived with you after he was 9 years old, what do you say to that? A: If he did he don't know much about it.
- Q: I will ask you this, has he lived with you any at all since you drew that money? A: Yes sir, when I drew that money for him x if that is what you want to know, he went to his sister and then came on back and stayed with me about 3 or 4 years and went back and forth and stayed a while and then went down there.
- Q: And the longest he was every away from you was when he was in the Choctaw nation trying to prove his rights down there, why did you leave him rest 6 or 7 years without trying to get his rights? A: It wasn't me, I would have put him on a long time ago because I think he had a right to be there. But you see he was abarred by his mammy being a choctaw.
- Q: You say you came back a few years ago and a tall man told you he would have to make an application himself, when you found out 2 years ago that he had to make an application himself why didn't he come in here and make it?
- A: He said he came in to make an application, that is after he went back to his sisters and I sent for him and he comes back here and he said he came in about 6 months after he came here.
- Q: When you were told that he had to make an application himself, did you tell him? A: No sir, I didn't get to tell him because he was down that way and I heard from his Uncle that they couldn't get him on the roll and after that I came to see if I could get him on here or not and then I sent for him to come up here. you
- Q: You said it was 2 years ago when ~~he~~ came here and a tall man told ~~you~~ he would have to apply himself. That was 2 years ago was it? A: Yes, I guess it was 2 years ago.
- Q: Did you tell him? A: No sir I couldn't get to him to tell him.
- Q: Why not? A: He wasn't here. I sent word to him by his uncle.
- Q: Did you send right away? A: Two weeks afterwards.
- Q: Did he get it? A: They claimed he was in the Choctaw nation and they would write a letter for him to come up.
- Q: When did he come? A: A: About 3 months ago when I came up to Mr. Davis.
- Q: Three months ago was the first time you seen him after you sent for him? A: Yes sir. Since I made the last application for him, he had been here before that.
- Q: When he came here 3 months ago, how long had it been since you saw him the last time? How long had it been since you saw him before that? A: I seen him since he was here 3 months ago, he has been here twice.
- Q: Before that? A: Yes sir, he wasn't here he was on Deep Fork.
- Q: You saw him 3 months ago? A: It was about 3 months ago and he went to Deep Fork and then came back here.
- Q: You saw him about three months ago? A: Yes sir.
- Q: How long had it been before that that you had seen him?
- A: Well before that it has been about I can't exactly say how many months or a year or not but before that why I reckon it was about a year, he was on Deep Fork.

- It was about a year from the time I seen him when I made the application down here.
- Q: Three months ago you saw this boy? A: Yes sir.
- Q: How long before that had you seen him? You say you saw him three months ago, how long before that was it you saw him? A: Before that, well I tell you, I hadn't seen him 2, 3 or 4 years before because he was in the Choctaw Nation trying to get his rights.
- Q: You say you had not seen him 3 or 4 years before you saw him 3 months ago, will you stick to that? A: Yes sir.
- Q: You hadn't seen him for 3 or 4 years until about 3 months ago? A: Yes sir.
- Q: How do you know he had not got his rights?
- A: I didn't know if he got it, I didn't know it.
- Q: Why did you come in? A: To try to get it if he didn't have it.
- Q: Why do you know he has not got it now? A: His name is not on the roll, if it is on the roll, it is news to me.
- Q: Have you seen anybody's name on the roll? A: I seen mine. I think they got a card that gives the names, I seen when they put it down there.
- Q: Have you ever seen your name or anybody's name on the roll? On what roll is it? A: On this Creek roll. My name is on the Creek Roll.
- Q: You saw it? You never saw it did you? A: I guess we can find it.
- Q: You said you came in here because you never saw his name on the roll, did you ever see anybody's name on the roll?
- A: You have got me now so I don't understand you, what roll do you mean? A: Creek citizen roll.
- Their name is bound to be on the roll if they filed on the land and got the money and all.
- Q: You had not seen the boy in 4 years? A: That is all right about that.
- Q: You didn't know but what he was enrolled, did you?
- A: I won't dispute that.
- Q: What did you come in for? A: To find out whether he was enrolled or not, if he is, we wught to knock that all out.
- Q: You didn't know he wasn't enrolled when you came in?
- A: No sir.
- Q: You know that Mr. Bixby said he wouldn't enroll him?
- A: He didn't say he wouldn't enroll him but that he had to be enrolled in the Choctaw nation and that he followed his mammy.
- Q: Did you draw money for Nathan? A: Yes sir.
- Q: That is the boy who was in here? A: Yes sir.
- Q: How much did you draw for him? A: ~~\$292~~. \$29 the first payment.
- Q: When was the \$29 payment, was it the payment of '95 or '90.
- A: I can't tell you exactly what year it was in.
- Q: How many did you draw for? A: For 5 of them.
- Q: You drew for all of them because you supported them all?
- A: Yes sir.
- Q: You drew \$29? A: Yes sir.
- Q: You are certain of that? A: Yes sir.
- Q: Are you as certain of that as anything you have sworn to?
- A: Yes sir.
- Q: You would swear that any time would you? A: Yes sir.
- Q: You would swear it if you were satisfied it wasn't so, wouldn't you? A: Yes sir.
- Q: You can be no more certain of anything you swore today than that you drew \$29 for all 5 of these children?
- A: Yes sir.
- Q: In the '90 payment, Frank wasn't born, he wasn't born until 1896, now tell this commission how you drew for him?
- A: Frank wasn't born until 6 years after the \$29 payment?
- A: Well how old is Frank?
- Q: You swore he was a year and a half old in 1898.

- Q: Your card was made out in 1898 and gave his age as a year and a half, and now you tell us you drew \$29 for him 6 years before he was born? A: That is the Commissions record is it? I may have put it wrong on the Commission record.
- Q: You still swear you drew for him? A: I drew it all right.
- Q: Notwithstanding I show you that card, and notwithstanding that card shows he was born in 1896?
- A: That card might have been all right, I might have put it down wrong, I might have put his name down wrong.
- Q: Where is Frank? A: He is on West here.
- Q: How old is he? A: He is about 10 or 12 years old now I guess.
- Q: You think he is only 10 or 12 years old? A: I just ain't got his age.
- Q: If he is only 10 or 12 years old he wasn't born in 1890?
- A: No sir. Well There was a mistake made somewhere but I know that money was drawn, I might have made a mistake, changing from that roll on to the North Fork.
- Q: Don't you know that Frank ain't more than 8 or 9 years old? I will ask you on your oath if Frank is 10 years old?
- A: He is over 10 years old, that is all. I might have put his age wrong but I know he is over 10 years old.
- Q: How old is he? A: About 11 or 12 years old, may be over that.
- Q: Will you swear to that? A: Well now the way you got me, I ain't going to swear nothing any more, I made a mistake in the children one way or the other.
- Q: Will you swear he is 12 years old? A: No I won't swear that, I don't know exactly what year he was born in.
- Q: Will you swear he is 13? A: I won't swear that.
- Q: Will you swear he is not 14? A: Oh, he is not 14.
- Q: You will swear that, you are certain about that are you?
- A: Yes sir.
- Q: You are as certain about that as to anything you have sworn are you? A: Yes sir.
- Q: You will stick to that will you? A: Yes, I will stick to it that he ain't 14. No he ain't 14.
- Q: Well if he is not 14, was he born in 1890 when you drew the \$29 payment? A: I couldn't tell you what year he was born in.
- Q: You swear he is not 14 years old, you swear that, now do you swear he was or was not living in 1890?
- A: I couldn't swear to that, I didn't take the year and if I did know the year I would swear to it but I didn't keep up with the years to swear to it.
- Q: This is 1906? A: Yes sir.
- Q: And if he had been born in 1890 he would have been 16 years old. Now you have sworn that you know he is not 14 years old and that you are positive of that, now if he wasn't living in 1890 when you drew that \$29, do you come before the commission and swear you had a child you did not have, and enroll him? A: No sir, I didn't go before the Commission when I didn't have children.
- Q: If he wasn't living in 1890 and you drew money for him, didn't you draw money for somebody that wasn't living?
- A: I drew money for all of mine that were living.
- Q: You still swear you drew for Frank do you?
- A: I drew money for Frank, if you give me the roll I soon can tell. If I did make a mistake it was in taking him from the North Fork roll.
- Q: Did you draw money for Frank in 1890? ~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
Did you draw \$29 for Frank in 1890? Did you or not?
- A: ~~Well you will have to give me a little chance.~~
Well I would like for you to do one thing, of course a man might make a mistake, but see if Frank ain't drawing the \$14 payment?

- Q: I am asking you, if you have drawn \$29 for Frank, you have sworn it, are you willing to stick to it? Or are you willing to take it back? A: I am willing to take it back because I might have made a mistake, I had two at that time, there was one Joe Lewis, I might have made a mistake.
- Q: You didn't draw for Joe Lewis, did you? A: No sir. I may have made a mistake on the 29, I might have made a mistake.
- Q: You drew for 5 did you? A: Yes sir. Nathan, Amelia, Flora, Fred and Frank.
- Q: If you didn't draw for Frank, who was the 5th. one, you don't swear you drew for Frank; if I let you take it back who will you put in his place? Who would you put in his place as having drawn the money for?
- A: I wouldn't have to put anybody because I didn't draw it. It might be that it was the \$14 and I made a mistake with him on the \$29, it might be the other boy, that is all there is to it. I never cheat anybody out of any money.
- Q: Are you certain now you did or did not? A: I'll swear it I thought that was for certain that I drew the \$29.
- Q: Who is this Joe Lewis you are talking about? A: That is my wife's son, but he is not home.
- Q: He is older than Frank? A: Yes sir.
- Q: Son of which wife? A: My wife Katie Thomas.
- Q: The one living now? A: No sir, the one that is dead.
- Q: She is the mother of which of these children?
- A: Joe Lewis and Frank Thomas, she is the mother of both of them, it might have been Joe Lewis, I drew for.
- Q: Was Joe Lewis enrolled by his mother or by his father?
- A: By his mother but by his father's name.
- Q: Did you have him enrolled? A: They did on the North Fork
- Q: Was he enrolled as your child? A: No sir.
- Q: Was he enrolled as the child of your wife? A: Yes sir
- Q: How do you know he was not enrolled as your child? A: My name is Jim Tom and his name was Joe Lewis.
- Q: Was she married before she married you? A: No sir.
- Q: Was this child born before you married her? A: Yes sir
- Q: You didn't enroll him as your child did you? A: No sir.
- Q: You didn't enroll for anybody besides Frank did you?
- A: I drew for Frank in 1890, I think; well you have got me headed off right there I don't want to swear to anything that I don't know what I am talking about.
- Q: If I hadn't shown to you that he was not 14 years old, you would swear that you drew for Frank in 1890 until the last day in the morning, if I hadn't shown to you that he couldn't be living in 1890. You would be swearing yet that you enrolled him? A: Of course there might be a mistake.
- Q: You wouldn't say you made a mistake a while ago, you wouldn't make that qualification a while ago, you said there couldn't be a mistake you were positive about anything you swore to, anything you were swearing today and anything you had sworn to, and that you drew that money for Frank in 1900 isn't that so? A: Yes, I said I drew it, but I know he drew one part of the money any way.
- Q: Are you certain you drew for Fred? A: Yes sir.
- Q: How much money has this boy Nathan cost you to raise him?
- A: To get him on the roll?
- Q: To raise him? A: Oh well, I can't just exactly say what it did cost me, I never kept up with it, I gave him his clothes and feed him. He has been an off-cast since he is 8 or 9 years old, just a kind a roving out-cast and looking out for himself, going from place to place here, there and every-where, he never paid any attention to me or anybody else. But when he came home I would feed him and put clothes on him.

- Q: Now you have sworn positively that you made a mistake in Frank, and it might have been the case of Joe, Joe wasn't 5 years old until after 1890, how could you have drawn for Joe? A: I said I might have been mistaken, I might have made the mistake with Frank and it might have been for Joe.
- Q: Well he wasn't admitted, he wasn't on the roll?
- A: I won't say very much about him, he wasn't mine.
- Q: Who did you draw that \$29 for that you have not accounted for today, and you swore you drew it, where is that money, who got it? Who did you give it to? What child did you give it to and for whose benefit was it? A: I didn't get except what belonged to me, I guess I got 5 with myself.
- Q: You have sworn you drew it when you went before the Commission and drew 5 times 29 for the children and one for yourself, which would be 6 times 29?

Attorney for applicant here interposes an objection for the reason that this matter has been gone over time and again.

Attorney for Creek Nation, suggests that we go over it again for the edification of the witness.

- Q: You have sworn you drew for 6 people, 5 children and for yourself? Who was the 5th. child you state you might have drawn for other than Joe or Frank, I have shown you that you couldn't draw for Joe or Frank, that leaves 4 children and yourself, which was 5 and you say you drew six times 29, what did you do with the other \$29?
- A: I thought I might have drawn for that boy and it might have been for myself and for the two girls. These children are on the North Fork and when they were there, they would have drawn up there.
- Q: If Joe was on the North Fork he couldn't have drawn, he wasn't on the roll until after 1890?
- A: I might have made a mistake.
- Q: You might be mistaken about all of your business ain't you?
- A: No sir, not about the whole business, I knew I drew for 5, now I might have made a mistake about those two children the questions asked me might have got me off a little. I only know for what was on the North Fork, the two children and myself.
- Q: You might not be Nathan's father, might you?
- A: Of course I must tell what the woman said.
- Q: You are not as certain of that as you are that you drew these 6 payments are you? A: I am certain about Nathan of course.

Questions by Attorney for Applicant:

- Q: Jimmy, at the time you first appeared before Mr. Bixby and made application to enroll Nathan, what time was that with reference to what year or about the year, the Commission started here to enroll?
- A: Well Mr. Davis, I will tell you, we never try to keep up with the year, and that is what bothers me, we never try to keep up with the year and I can't tell exactly what year and what time it was.
- Q: Was it soon after the Commission started to enroll citizens here? A: Yes sir.
- Q: In your cross-examination by Mr. Mott you stated you saw Nathan about 3 months ago, now what time was that with reference to the time you first appeared and brought him to my office with regard to your citizenship matter?

- A: Well it was about 3 months ago I saw him when he came in, it has been about 3 months since he came in.
- Q: Was that the same time you brought him to my office?
- A: No, I didn't bring him then.
- Q: Did you bring him to my office before or after that?
- A: After that.
- Q: Then you saw him before last October? A: Yes I saw him before last October.
- Q: Do you know anything about time Jimmy?
- How many months in the year, do you know? A: 12.
- Q: Do you know the names of the months? A: Yes sir.
- Q: Do you keep account of the year and months?
- A: Well I know the year and months all right but I never did keep account of the years, like in '66 and all that, I can count it January, and February and that way.
- Q: Don't you know you brought him to my office last year?
- A: In what year did I state, last year was about the time I brought him here.
- Q: Why then did you say 3 months ago, when you know you brought him to my office last year and you are now in the 7th. month of this year? A: You are right about that.
- Q: Now Nathan have you drawn either payment that has been made the citizens of the Creek Nation since Nathan was born, for Nathan? A: Yes, I drew for Nathan.
- Q: Do you know that he has received money at each time payments were made to citizens since his birth? A: I know that because I drew it.
- Q: Do you know that the other children have received money from the Creek Nation, every payment that was made the citizens of the Creek Nation since they were born?
- A: Yes sir.
- Q: Did you ever receive money for your children before they were born? A: Oh no.
- Q: When you stated in your examination that you made a mistake and to see if Nathan was on the roll, explain now why you came here and all about that? A: I came here on the account of that, some of the members of the council told us that the Dawes Commission here was going to open up applications for all that hadn't filed and to come in and put in applications to file and instead of putting in right then, I know pretty much how it was that Nathan was barred out and I came in and seen about it, he was down in Deep Fork.
- Q: Did you tell him the Commission wanted him to enroll for himself? A: Yes sir, and he was pretty much of age then as far as I could get at it, he was 21 or 22 years old.
- Q: Then you appeared at the commission two different times in an attempt to enroll Nathan did you?
- A: Yes sir, once at the Court house and down there he told me if he was of age to let him make out his own application and I sent for him to come up and make it.

Questions by Commissioner:

- Q: Was Hetty the mother of Nathan, ever married?
- A: Well she married after she had Nathan.
- Q: How long afterwards? A: Oh about 2 years afterwards.
- Q: Are you sure of that? A: Yes sir.
- Q: Could it have been less than 2 years? A: Well it couldn't be less, it has been about two and a half or perhaps a year and 6 months.

- Q: Did she take Nathan, after the birth of Nathan, and make a visit out side of the Creek Nation somewhere, did she go away from where she was living at the time of the birth of Nathan? A: No sir, she never did live outside of the Creek Nation until she died.
- Q: Did she live in the same house after the birth of Nathan until she married this man you speak of? A: No sir, she was living with us and went down on Deep Fork and went to his uncle and was married down there.
- Q: Did she take the child with her down there? A: Yes sir.
- Q: How long did the child stay with her after she was married? A: Until she died.
- Q: How many years after the marriage until she died? A: Well I couldn't just state exactly how long it was after she married before she died but the boy can tell more about it than I can.
- Q: Did she live 5 or 6 years after the birth of this child? A: Yes, I guess so. I just positively couldn't say.
- Q: How old was the child when you got hold of it? A: This boy?
- Q: Yes, Nathan? A: He was near somewhere about 5 or 6 years old or may be a little older than that.
- Q: When she took the child away was the child a baby in arms? A: No, not a baby in ~~arms~~ arms, it was a little over a year old when she went away from here.
- Q: Do you now state that that was the same child that she took away and that was brought to you or that you got possession of, after her death? A: Yes sir.
- Q: You say it is the same one? A: Yes sir.
- Q: Did you ever hear of any other Nathan Tom living down there? A: No sir.
- Q: You never did? A: No sir.
- Q: Did you ever hear of any other Nathan Miller living down there? A: No sir.
- Q: Did Nathan's uncle, this man Miller have a son by the name of Nathan? A: No sir.
- Q: Did ~~ya~~ he ever have any children? A: We had 2 girls.
- Q: Do you know whether they were ever enrolled as citizens? A: They were enrolled as citizens.
- Q: Do you know what their names were on the roll? A: Sarah and Jane Miller.
- Q: Who caused the name of Nathan Tom to be put on the tribal roll, did you look after it yourself? A: Yes sir I ~~and~~ ~~am~~ the one who changed it from Nathan Miller to Nathan Tom.
- Q: On what roll was it Nathan Miller? A: Pay roll.
- Q: Creek pay roll? What town? A: Arkansas town.
- Q: Then you had it placed on the roll again did you? A: Yes, On that \$14 payment and I had it changed to Nathan Thomas or Nathan Tom. Sometimes they call it Thomas.
- Q: Is this witness who preceded you on the stand and testified that his name was Nathan Tom, is he well known in this creek town out here? A: Yes sir.
- Q: Is he well known among the older residents of the Creek Nation? A: He is known among the older residents.
- Q: Do you think you could bring witnesses if we required to show he lived in your house? A: I can bring witnesses to show that he lived with me until he went to his sister's and stayed down there.

Questions by L. M. Mott, counsel for Creek Nation:

- Q: You stated I believe that this boy was 6 or 7 years old when his mother died? A: Yes between 6 or 7 years old, I wouldn't be positive though, he might have been older than that.
- Q: Where was she when she died? A: In Muskogee.

- Q: Where were you? A: Right out here about 3 miles.
 Q: How come you to get the boy? A: She sent for me to take him when she was sick, she sent for me to come and get him and take him home and I took him home before she died.

Peter Durant being first duly sworn, testified as follows:
 Questions by Commissioner:

- Q: What is your name? A: Peter Durant.
 Q: How old are you? A: I don't know exactly, between 46 and 47.
 Q: What is your post-office address? A: Muskogee.
 Q: Are you a citizen of the Creek Nation? A: Yes sir.
 Q: Have you received your allotment? A: Yes sir.
 Q: Are you acquainted with a person named Jimmy ~~Tom~~ Thomas?
 A: Yes sir.
 Q: Is he sometimes called Jimmy Tom? A: Yes sir.
 Q: Do you live near him? A: Yes sir.
 Q: How far away? A: Nearly a half mile.
 Q: Have you lived near Jimmy Tom for the past 25 years? A: Yes sir.
 Q: You have? A: Yes sir.
 Q: Do you know the names of the wives that Jim Thomas has had?
 A: I think I can name them.
 Q: What is the name of his first wife? A: Caddie(Katie)
 Q: Did she ever have any other name? A: Not to my recollection
 Q: What is the name of his second wife? A: His second wife was Judy.
 Q: What is the name of the 3rd. wife? A: 3rd. wife if I mistake not was Katie.
 Q: What is the name of the 4th wife? A: The 4th wife if I mistake not was Mahaley.
 Q: Do you know how many children he has had? A: Why no sir not exactly. I can mostly tell though how many he had by each woman, I think I can come near it that way.
 Q: How many children did he have by his first wife?
 A: He had two.
 Q: How many by his second wife? A: Second wife, was one if I mistake not.
 Q: By the third wife? A: Third wife, if I mistake not.
 Q: He has a young wife now has he? A: Yes sir he has a wife now, I don't know whether he got any by that one or not.
 Q: Do you know any person going by the name of Nathan Tom?
 A: Why yes.
 Q: Has he lived in your section of the country for quite a while? A: Yes sir.
 Q: How long has he lived in that section of the country?
 A: Why, I don't know exactly how many years he stayed in the country where I was living but then he stayed there quite a little while.
 Q: Do you know whether Nathan Thomas was born in your neighborhood? A: Nathan Thomas, yes he was born in my neighborhood if I mistake not.
 Q: Were you living near there at the time of his birth?
 A: Why, I guess it was quite a distance, about a mile or two I don't know how many miles but I expect about 2 miles if I mistake not.
 Q: Did you see him immediately after his birth? A: I didn't see him just after.
 Q: Did somebody tell you that the child had been born? A: Yes sir.
 Q: Did he say to whom the child had been born? When the child was first born? A: Just gave the name.

- Q: Who was it laid to do you mean?
Q: Who was the mother? A: The mother her name was Hetty, if I mistake not.
Q: Was she a married woman? A: No sir.
Q: Was she living with any one man in the same house?
A: Why, I don't know she was staying with the family.
Q: Were there any men folks around the house in the family where she was living at that time? A: Yes sir living in the house.
Q: How many men folks were there in that family? A: Why I disremember, just like the boys living right there, there is about two and if I mistake not Jimmy was staying there at the same time too.
Q: Jimmy who? A: Jimmy Tom.
Q: Do you know whether he was living in the same house?
A: Well I don't know, the boys had a room to themselves.
Q: Was it his house? A: No sir.
Q: Do you know whether he was ever married to this woman Hettie? A: No sir, he was never married to her.
Q: Do you know whether other men were married to her besides Jim Tom? A: Not to my knowing.
Q: Did you ever hear that other men when with her? A: Not to my knowing. She was living in a pretty strict place and I couldn't get on to it.
Q: Where did that baby live after it was born, in the same house? A: Why it was with its mother.
Q: Did she live in the same house? A: Yes, she lived right there.
Q: Did she have any other children that you know of?
A: Not to my knowing, she stayed in our neighborhood a certain length of time and then went away.
Q: Did you ever hear of a person named Nathan Miller?
A: You want the truth about it. I didn't hear anything about a Nathan Miller until about a week ago.
Q: Who told you that? A: The attorney asked me if I knew anybody by the name of Nathan Miller and I told him no.
Q: The Attorney for the applicant asked you that? A: Yes sir
Q: Well did you ever hear of any other person in that neighborhood that went by the name of Nathan Tom or Nathan Thomas? A: No sir, I didn't hear of any other person.
Q: Did you ever hear that this baby was called Nathan Tom?
Q: Yes, in my neighborhood everybody called him Nathan Tom.
Q: And referred to that baby? A: Yes, referred to Jimmy Toms son.
Q: You are personally acquainted with the applicant Nathan Tom? A: Yes sir.
Q: Have you seen him continuously from his birth to the present time? A: I knew him from the time of his birth and know him yet, he stayed in my neighborhood for a certain length of time, until he got to be a great society fellow and then he got kind a unruly and his father couldn't hold him down, he commenced boarding the train and was in and out on the trains.
Q: Where did he go when he was quite a small boy?
A: I couldn't tell exactly where we would go.
Q: How long would he be gone? A: Sometimes a week and sometimes 2 weeks and sometimes a month and sometimes longer.
Q: Do you think the applicant is the same person as that baby that was born to Hetty? A: Yes, I think that is the same boy, because I didn't miss him long enough to out-grow my recollection.

- Q: You would be able to swear that this applicant is the same child that was born to Hettie, would you?
- A: Yes sir, that one person I could swear to, I would swear to this Nathan.
- Q: You never heard there was any other Nathan Tome did you?
- A: Since I have known him I never heard of any other Nathan Tom.
- Q: Did you ever hear of any other Nathan Thomas until you heard of the birth of the child? A: No sir.
- Q: Do you know of any reason why his name was not enrolled as a citizen on the Ureek Nation? A: Why I don't know exactly no reason because I remember when he went to enroll him.
- Q: Who do you mean by he, when he went to enroll him?
- A: Jimmy. When Jimmy went to enroll him, I was there to enroll my children.
- Q: What year was that? A: I disremeber what year it was.
- Q: Was that at the time of some payment? A: No it wasn't no payment, it was the Dawes Commission enrollment I am speaking of.
- Q: Where was it? A: At the court-house if my memory serves me right.
- Q: You don't know of anything that was done at that time do you? A: No sir only a little objection was made.
- Q: Were you right there and heard it? A: Yes sir.
- Q: Were you directly at the table and next to Jim?
- A: Jim was sitting right at the table and I can state this I was sitting this way when he made his application to enroll and they told him he couldn't enroll this boy. Jim told it himself that the mother of this bot wasn't a creek citizen, that is the reason they made the objection to it. They asked him ~~xx~~ if all of these children were by the same mother and he said different mothers and he had to tell how this one came in and they kind a dragged him about it there.
- Q: Did he tell the Commission at that time that this child was an illegitimate child that wasn't born in marriage?
- A: Yes sir, he acknowledged that he hadn't married this woman.

Questions by Attorney for applicant:

- Q: When was that time with reference to the commencement of the work by the commission in this country, was it soon or a good while afterwards, when he made the application for enrollment? Was it soon after the Commission commenced work ~~xxx~~ or a good while afterwards.
- A: To tell the thing straight now, I don't want to tell any more than I know about it, so I couldn't say positively whether it was right away or just what time but I remember good that it was at the Court-house.
- Q: Was it a good many years ago? A: Since that it has been quite a while ago.
- Q: Now Peter how has Nathan been considered in that community and in your neighborhood with reference to being the son of Jimmy Tom or not? A: Do you mean to say among the people at large in the neighborhood? Why everybody in the neighborhood at large recognized Nathan as Jim Tom's son.
- Q: Has that been the case since he was a little boy, since he was a baby? A: That was the case to my knowing since he was born.

Questions by Commissioner:

- Q: Did you ever know anybody to make the statement that he was not the son of Jim? A: Never heard anybody say he wasn't Jim's son.

Jeanette McIntosh, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Jeanette McIntosh.
Q: What is your age? A: 47 or 48.
Q: What is your post-office address? A: Muskogee.
Q: Are you acquainted with a person named Jim Tom? A: Yes sir.
Q: Have you lived in the neighborhood where he has lived for the past 25 years? A: Yes sir, my mother raised him.
Q: Your mother raised Jimmy Tom? A: Yes sir.
Q: Do you know of the children of Jim Tom? A: No sir, I don't remember the children.
Q: Do you know how many he/ has? A: He has 2 girls I remember but it is so many boys I don't remember.
Q: Do you know Melia Thomas? A: Yes sir.
Q: Are you acquainted with the wives of Jimmy Tom? A: Yes sir. There was Caddie. He only had one wife when I met him.
Q: You don't know of any of his other wives except Caddie do you? A: That is all I knew, I left the country he had several wives, but I didn't know them.
Q: Did you ever know anybody by the name of Hettie?
A: Yes, my sister raised her, they raised both children mighty near together.
Q: What was Hettie's last name? A: I disremember but I think she went by the name of Bruner if I remember.
Q: Was Hettie ever married? A: Yes sir after she had this child. Way afterwards she was married.
Q: What child do you refer to? A: A little bot called Nathan the oldest boy of Jimmy Tom.
Q: How many children did Hetty have? A: Just one by Jimmy and I believe she has one living now.
Q: How old is this Nathan? A: I don't know how old Nathan is.
Q: Was Jim Tom ever married to Hetty? A: No sir.
Q: Did you know they were going toge her? A: No sir, I didn't know anything about it, we were all there in the yard.
Q: Were there other men going with Hetty at the same time?
A: No sir, no men came out of the yard, they was the only children.
Q: Did you ever hear of any other Nathan Tom in that neighborhood? A: No sir, I never did.
Q: Did you see this Nathan Tom when he was a baby?
A: Yes sir.
Q: Did you see him when he was ~~about~~ 5 years old?
A: Yes he was there to the house then, his mother went off with him.
Q: How old was he when you last saw him until you saw him the last time? A: Well, I don't know.
Q: Was he a small boy when he went away from there?
A: Yes sir, he stayed with his father a while. I went out west a while.
Q: How long did you stay out west? A: 6 or 7 years.
Q: Did you see Nathan Tom when you came back? A: Yes sir.

- Q: Is Nathan Tom, the witness who has appeared here today recognized among the people that live out there as being the son of Jimmy Tom?
- A: Yes, that is all I hear them say.
- Q: Do they all say that? A: Yes sir.
- Q: You don't know whether he is enrolled as a citizen of any Nation do you? A: No sir, I don't.
- Q: Did you ever hear of Nathan Miller? A: Miller. Well now he told that his uncle's name was Dan Miller, he was a member of the Court at Okmulgee, and I believe he had his name put down that way.
- Q: Who told you? A: He had some children to and he said he had all the children's names put down, but that is what I heard.
- Q: Did you hear that lately? A: No sir, I heard that talk for a long time.

Questions by counsel for applicant:

- Q: You say you were ~~lxx~~ living at home when Nathan was born?
- A: No sir, he wasn't born then.
- Q: Do you know when he was born? A: No sir.
- Q: Do you know when he was a little baby? A: Yes sir his mother came back to stay with us ~~and~~
- Q: Has Nathan ever since his birth been considered the child of Jim Tom? A: Yes sir, I never heard anything at all but that.
- Q: Do you know whether Jim Tom provided a home for him and took care of him? A: His grand-mother lived in the Chicasaw nation someplace and he would go down there.
- Q: Have you any interest in this case except that justice be done the child? A: No, I guess not.
- Q: You are not getting any money for testifying? A: No sir I am not getting any money for anything.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date

Julia C. Laval.

Subscribed and sworn to before
me this 30 day of July, 1906.

H. H. Hains
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nathan Tom as a Creek freedman.

D E C I S I O N.

The record in this case shows that on November 20, 1905, there was received at this office, by reference from the Department of the Interior, for report and recommendation, a petition for rehearing in the matter of the application of Nathan Tom for enrollment as a citizen of the Creek Nation. On December 21, 1905, this office returned said petition with a report to the Department, recommending that said petition be dismissed and Nathan Tom be advised to appear at this office for the purpose of being examined under oath relative to his alleged application for enrollment as a citizen of the Creek Nation. On June 7, 1906, the said petition was returned by the Department, with instructions to hold a hearing in this matter as suggested in the original report of this office. In compliance therewith testimony was taken July 16, 1906.

An attempt has been made to show that application was made for the enrollment of said Nathan Tom during the year 1901, or the year 1902, but the records in the possession of this office do not show that such is the case. However, the petition for rehearing having been filed within the time prescribed by law, for receiving applications, said petition is considered as an original application for the enrollment of Nathan Tom as a citizen of the Creek Nation.

From the weight of the evidence and the records in the possession of this office, said Nathan Tom is partially identified as the same person whose name appears on the 1890 authenticated tribal roll of the Creek Nation, Arkansas Colored Town, as Nathan Miller, and he is fully identified as the same person whose name appears on the 1895 authenticated tribal roll of the Creek Nation, Arkansas Colored Town as Nathan Tom. It further appears that the said Nathan Tom was living on April 1, 1899, and that he was a resident of Indian Territory on June 28, 1898. The name of the applicant appearing on the said authenticated tribal rolls in Arkansas Colored Town, this application is treated as an application for enrollment as a Creek freedman.

Although there is some evidence that might indicate that the mother of Nathan Tom is a citizen of the Choctaw Nation, it does not appear from the records in the possession of this office, that such is the case, or that application has ever been made for the enrollment of either of said persons as citizens or freedmen of the Choctaw Nation.

It is, therefore, ordered and adjudged that the applicant, Nathan Tom, is entitled to be enrolled as a Creek freedman under the provisions of the Acts of Congress approved June 28, 1898, (30 Stats.L. 495) and March 1, 1901, (31 Stats. L. 861), and the application for his enrollment as such is accordingly granted.

Muskogee, Indian Territory.


COMMISSIONER.

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Department of the Interior.
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Enc. No. 1 of No. 10684
Indian Territory DivisionDEPARTMENT OF THE INTERIOR
JUN 4 - 1906
Returned with No. 100
IND. TERR. DIV.

DEPARTMENT OF THE INTERIOR.

In the Matter of the Application
of Nathan Tom, for enrollment as a
citizen of the Creek Nation.

PETITION FOR RE-HEARING.

~~Comes now~~ Nathan Tom, the applicant herein, and respectfully represents that he is twenty four years of age, a citizen and resident of the Creek Nation, Indian Territory, and that his Post Office address is Muskogee, Indian Territory. That he is the son of Jimmie Tom and Hettie Jackson and has made his home in the Creek Nation all his life, and that he was born about 13 miles North-west of what is now the Town of Bafaula, Creek Nation, Indian Territory.

That his father, Jimmie Tom, is a duly enrolled and recognized citizen of the Creek Nation and has been for many years; that his mother, Hettie Jackson, claimed to be a citizen of the Choctaw Nation ~~and~~, but that she has been denied citizenship in said Nation by the Commissioner to the Five Civilized Tribes and this Department. That this applicant, through his father and natural guardian, Jimmie Tom, made application for enrollment in the Creek Nation during the winter of 1899 and 1900 but that he was informed that before his application could be considered he would have to be denied citizenship in the Choctaw Nation for the reason that he would follow his mother to said Nation under the laws and customs in force among the Five Civilized Tribes.

That shortly after a decision had been rendered denying his said mother and himself citizenship in said Choctaw Nation, he ^{attempted to} appeared before the Commissioner to the Five Civilized Tribes and made another application for enrollment as a citizen of the Creek Nation but was then informed that the time within which to make application for citizenship in said Nation had passed, and he was denied a hearing.

That the half brothers and half sisters of the applicant herein have been duly enrolled as citizens of the Creek Nation and each

2.

has received an allotment of lands of the said Creek Nation as citizens thereof.

Your petitioner herein farther states that he drew the two payments made to citizens of the Creek Nation, his name appearing on the 1891 omitted roll and on the 1895 pay roll.

Wherefore, the premises considered, this applicant respectfully prays that he be given a re-hearing in the matter of his enrollment as a citizen of the Creek Nation, and for all just and proper relief.

Walter Tom
Petitioner.

Subscribed and sworn to before me this 16th. day of October, 1905.

My term expires Jan 10th 1909 T R Palmer
Notary Public.

DEPARTMENT OF THE INTERIOR.

In the Matter of the Appli-
cation of Nathan Tom for
enrollment as a citizen of
the Creek Nation.

Affidavit of Peter Durant.

On this 14th. day of October, A.D., 1905, personally appeared before me, a Notary Public, in and for the Western District of the Indian Territory, duly commissioned and acting, Peter Durant, to me personally well known, who being by me first duly sworn, deposes and says:

My name is Peter Durant, I am about 46 years of age and a citizen of the Creek Nation, Indian Territory. My Post Office address is Muskogee, Indian Territory. I am well acquainted with Nathan Tom, the applicant herein, and have known him ever since he was a babe. He is the son of Jimmie Tom and has been publicly recognized as such by said Jimmie Tom from the time of his birth. His mother's name was Hettie Jackson. She was not a citizen of the Creek Nation but always claimed to be a Choctaw citizen. The father of Nathan Tom, Jimmie Tom, is a citizen of the Creek Nation, duly enrolled and has received his allotment of the lands of the Creek Nation as such. I have known the family many years.

I was present when Jimmie Tom first appeared before the Commission to the Five Civilized Tribes and made application to enroll himself and his children as Creek citizens. I was at the office of said Commission at that time for the purpose of enrolling myself and my family. I heard the said Jimmie Tom ask to have his son Nathan Tom enrolled and heard the man in charge, and before whom our applications were made, inform the said Jimmie Tom that as the mother of Nathan Tom claimed citizenship in the Choctaw Nation he would have to go with his mother to the Choctaw Nation for enrollment, but that should she fail to secure enrollment there Nathan would then be permitted to file on lands in the Creek Nation.

page 2.

The application of said Jimmie Tom above referred to, was made during the first year that said Commission did any work in the Creek Nation, and was either in the fall of 1899 or in the early part of the spring of 1900.

Affiant further states that he has no interest, direct or indirect, in the prosecution of this suit, and that he makes this affidavit wholly in furtherance of justice.

Butler J. Wright

Subscribed and sworn to before me this ^{21st} 14th, day of October, 1905.

My term expires

D. R. Palmer
Notary Public.

Jan. 1st 1907

DEPARTMENT OF THE INTERIOR.

In the Matter of the Application
of Nathan Tom for enrollment as a
citizen of the Creek Nation.

AFFIDAVIT OF JIMMIE TOM.

On this 16th. day of October, 1905, personally appeared before me, a Notary Public in and for the Western District, duly commissioned and acting, Jimmie Tom, to me personally well known, who being by me first duly sworn, deposes and says:-

My name is Jimmie Tom, I am about 45 years of age and a duly recognized and enrolled citizen of the Creek Nation. My Post Office address is Muskogee, Indian Territory. I am the father of Nathan Tom, the applicant herein. The said Nathan Tom was always recognized as a citizen of the Creek Nation, was duly enrolled and drew both the \$14.00 and the \$29.00 payments to citizens of the Creek Nation, until I appeared before the Commission to the Five Civilized Tribes and made application for his final enrollment as such a citizen. I made said application for my son Nathan in the fall of 1899 or in the Spring of 1900. When questioned in regard to the mother of Nathan Tom, viz: Hettie Jackson, I stated that she claimed to be a citizen of the Choctaw Nation. Thereupon the man in charge of the enrolling division of said Commission informed me that he could not entertain any further application for my son Nathan, as ~~him~~ he, Nathan, would have to go with his mother to the Choctaw Nation. I was further informed that should he be denied enrollment in said Choctaw Nation he would then be permitted to enrol as a citizen of the Creek Nation. After the mother of a Nathan was denied citizenship in the Choctaw Nation I again appeared before the Commission to the Five Civilized Tribes and attempted to enrol him as a citizen of the Creek Nation. He had then reached his majority and I was told that he must make application in person. I then had him come in person to said Commission but he was not permitted to make application for enrollment, the said Commis-

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sion stating that the time within which to make application for such enrollment had expired.

Affiant further states that all his other children, four in number, vis: Amelia Tom, Flora Tom, Fred Tom and Frank Tom, are duly recognised and enrolled citizens of the Creek Nation and have received their allotments as such. That Nathan Tom is a half-brother of the above named children of this affiant.

Affiant further states that he, himself, drew the two payments heretofore mentioned in this affidavit, for the said Nathan Tom, as the father and natural guardian of his said son.

That he has no interest in the prosecution of this suit other than that of a father in seeking justice for his son.

Witnesses to mark

Harry S. Davis Jimmie ^{his} Tom
Nathan Tom mark

Subscribed and sworn to before me this 16th. day of October, 1905.

My term expires Jan. 1st 1909

J. R. Palmer
Notary Public.

DEPARTMENT OF THE INTERIOR.

In the Matter of the Application
of Nathan Tom for enrollment as a
Citizen of the Creek Nation.

AFFIDAVIT OF
JEANNETTA McINTOSH.

On this 16th. day of October, A.D., 1905, personally appeared before me, a Notary Public in and for the Western District of the Indian Territory, duly commissioned and acting, Jeannetta McIntosh, to me personally well known, who being by me first duly sworn, deposes and says:-

My name is Jeannetta McIntosh, I am about 47 years of age and a duly enrolled citizen of the Creek Nation. I am well acquainted with Nathan Tom, and have known him all his life. I am also well acquainted with Jimmie Tom, the father of Nathan Tom, and was well acquainted with Hettie Jackson, the mother of Nathan Tom, in her life time. The said Jimmie Tom has always been recognized and considered a citizen of the Creek Nation, and Hettie Jackson claimed to be a citizen of the Choctaw Nation but her enrollment as such a citizen was denied by the Commission to the Five Civilized Tribes. The said Hettie Jackson was an orphan girl and was raised by my mother and my sister. I know that Nathan Tom is the son of Jimmie Tom and has been so considered and so recognized by said Jimmie Tom from infancy. That he, the said Nathan Tom, was born in my mother's house in the Creek Nation, Indian Territory, and that the Creek Nation has been his home ever since.

Affiant further states that she has no interest, direct or indirect, in the prosecution of this suit, and that this affidavit is made solely in furtherance of justice.

Jeannetta McIntosh

Subscribed and sworn to before me this 16th., day of October, 1905,

My term expires

Jan, 1st 1909

T. A. Palmer
Notary Public.

*Service by copy of the above petition for re-hearing
together with affidavits in support thereof is
hereby accepted on this 6 day of Nov 1905. M. C. [unclear]
Notary*

In re application for
enrollment of
Nathan Townsbrook Jr.
Mother alleged
Choctaw citizen or freedman.
Her name is ^{or was} Fletch
Brunner or Towns,
State of citizenship
of Fletch Brunner

No application for
Fletch Brunner as
Choctaw by blood or
Choctaw Freedman
A.B.

Muskogee, I. T. Oct. 25th., 1905.

Hon. Secretary of the Interior,

Washington, D. C.

Sir:-

Inclosed herewith you will please find my petition for a re-hearing in the matter of my application for enrollment as a citizen of the Creek Nation. Also affidavits of Peter Durant, Jimmie Tom and Jeannette McIntosh in support thereof.

I feel that I have not received the proper treatment from the Commission to the Five Civilized Tribes, while it was in existence, and by the Commissioner to the Five Civilized Tribes since. My father, brothers and sisters are duly enrolled citizens of the Creek Nation; I certainly have the same right but am denied simply for the reason my mother claimed to be a citizen of the Choctaw Nation.

I trust you will give this matter favorable consideration and grant me the rights that are so justly due me.

Kindly advise me in regard to the matter at your earliest convenience. Address your communication to

Nathan Tom, Esq.,

C/o Harry G. Davis,

Muskogee, Ind. Ter.

and greatly oblige.

Yours truly,

Nathan Tom

JP

DEPARTMENT OF THE INTERIOR, LIB
WASHINGTON. November 14, 1905.

I.T.D.10681-1905.
LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith for early report and recommendation
a petition for rehearing in the matter of the application Nathan
Tom, for enrollment as a citizen of the Creek Nation.

Respectfully,

Thos Ryan
First Assistant Secretary

1 inclosure
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 24, 1905.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

Referring to your letter of November 22, 1905, in which you ask to be advised whether or not application was made for the enrollment of Hettie Jackson as a citizen by blood or freedman of the Choctaw Nation, you are advised that it does not appear from the records of this office that application has been made for her enrollment as a citizen or freedman of the Choctaw Nation.

You are further advised that the records have also been examined for the name of Hettie Tom, inasmuch as it is stated in your letter she was possibly the wife of one Jimmie Tom a Creek freedman, but her name is not found upon the records of applicants for enrollment as citizens or freedmen of the Choctaw Nation.

Respectfully,

Geo. Rodgers
Acting Commissioner.

*Have you application
for Nathan Tom or
Nathan Miller?*

Muskogee, Indian Territory, November 27, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of the communication of the Department of November 15, 1908, enclosing a petition for rehearing in the matter of the application for the enrollment of Nathan Tom as a citizen of the Creek Nation and requesting an early report and recommendation on same. The motion, which is sworn to by said Nathan Tom and is accompanied by the affidavits of Peter Durant, Jimmie Tom and Jeannett McIntosh, sets out that said Nathan Tom is twenty-four years of age, that he is the son of Jimmie Tom, a duly enrolled citizen of the Creek Nation, and of one Hettie Jackson; that during the minority of the petitioner, in the winter of 1899-1900, application was made for his enrollment as a citizen of the Creek Nation by his father, said Jimmie Tom; that the Commission to the Five Civilized Tribes refused to receive or consider said application, giving as a reason for the said refusal that the citizenship of the said Nathan Tom would be that of his mother, who, petitioner states, was then an applicant for enrollment as a citizen of the Cherokee Nation.

Secretary 2.

The petitioner further states that a decision was rendered denying the application for the enrollment of himself and his mother as citizens of the Choctaw Nation; that he then appeared before the Commission to the Five Civilized Tribes and attempted to make another application for enrollment as a citizen of the Creek Nation; that said Commission refused to receive his application and gave as a reason for its refusal that the time had expired within which applications for enrollment could be made. The petitioner further states that he has been a resident of the Creek Nation all his life and that money was drawn for him at the Creek per capita payments in 1891 and 1895.

It does not appear that a copy of the motion and affidavits was served on the Attorney for the Creek Nation.

The records of this Office have been carefully examined and it does not appear that application has been made for the enrollment of said Nathan Tom as a citizen of the Creek Nation, nor does it appear that application was ever made for the enrollment of said Nathan Tom and his mother, Nettie Jackson, or either of them, as citizens of the Choctaw Nation.

The name of Jimmie Tom, the alleged father of the petitioner,

Secretary 3.

appears on the partial list of Creek Freedmen approved by the Department March 28, 1902, opposite Roll No. 4044, and it appears from the record in his case that said Jimmie Tom was married successively to Katie Tom, Judy Tom, Katie Thomas and Mahaley Thomas; that Katie Thomas, his third wife, died subsequent to 1895, and that he was married to Mahaley Thomas, his fourth wife, prior to March 9, 1900. The name of Hettie Jackson does not appear as his wife, nor does said name appear as the name of the mother of any of the children of said Jimmie Tom enrolled with him.

The name Nathan Miller appears on the 1891 Omitted Roll of the Creek Nation, in the family of Jimmie Tom, and the name Nathan Tom appears in the same family on the 1895 Pay-Roll of said Nation. This tribal enrollment is credited to Flora Tom, a daughter of said Jimmie Tom, whose name appears on the partial list of Creek Freedmen approved by the Department March 28, 1902, opposite No. 4046; but as this identification is merely a note upon her card, made two years after the approval of her enrollment and not substantiated by testimony or affidavits, it is possible that an error was made in crediting this tribal enrollment to said Flora Tom.

In view of the facts in the case, I have the honor to respect-

Secretary 4.

fully recommend that said motion of Nathan Fox for a rehearing in the matter of the application for his enrollment as a citizen of the Creek Nation be dismissed, and that the applicant be advised to appear before this Office at an early date, with witnesses having knowledge of the facts in his case, for the purpose of being examined under oath, relative to his alleged application for enrollment as a citizen of the Creek Nation.

The motion for rehearing is herewith returned.

Respectfully.

Commissioner.

Through the
Commissioner of Indian Affairs.

JTH-L-27

Muskogee, Indian Territory, December 21, 1905

The Honorable,

The Secretary of the Interior.

Sir.

Receipt is acknowledged of the communication of the Department of November 15, 1905, enclosing a petition for rehearing in the matter of the application for the enrollment of Nathan Tom as a citizen of the Creek Nation and requesting an early report and recommendation on same. The motion, which is sworn to by said Nathan Tom and is accompanied by the affidavits of Peter Durant, Jimmie Tom and Jeanett McIntosh, sets out that said Nathan Tom is twenty-four years of age, that he is the son of Jimmie Tom, a duly enrolled citizen of the Creek Nation, and of one Hettie, Jackson; that during the minority of the petitioner, in the winter of 1899-1900, application was made for his enrollment as a citizen of the Creek Nation by his father, said Jimmie Tom; that the Commission to the Five Civilized Tribes refused to receive or consider said application, giving as a reason for the said refusal that the citizenship of the said Nathan Tom would be that of his mother, who, petitioner states, was then an applicant for enrollment as a citizen of the Choctaw Nation.

The petitioner further states that a decision was rendered denying the application for the enrollment of himself and his mother as citizens of the Choctaw Nation; that he then appeared before the Commission to the Five Civilized Tribes and attempted

to make another application for enrollment as a citizen of the Creek Nation; that said Commission refused to receive his application and gave as a reason for its refusal that the time had expired within which applications for enrollment could be made. The petitioner further states that he has been a resident of the Creek Nation all his life and that money was drawn for him at the Creek per capita payments in 1891 and 1895.

It does not appear that a copy of the motion and affidavits was served on the attorney for the Creek Nation.

The records of this office have been carefully examined and it does not appear that application has been made for the enrollment of said Nathan Tom as a citizen of the Creek Nation, nor does it appear that application was ever made for the enrollment of said Nathan Tom, and his mother, Hettie Jackson, or either of them, as citizens of the Choctaw Nation.

The name of Jimmie Tom, the alleged father of the petitioner, appeared on the partial list of Creek Freedmen approved by the Department March 28, 1902, opposite Roll No. 4044, and it appears from the record in his case that said Jimmie Tom was married successively to Katie Tom, Judy Tom, Katie Thomas and Mahaley Thomas; that Katie Thomas, his third wife, died subsequent to 1895, and that he was married to Mahaley Thomas, his fourth wife, prior to March 9, 1900. The name of Hettie Jackson does not appear as his wife, nor does said name appear as the name of the

mother of any of the children of said Jimmie Tom enrolled with him.

The name Nathan Miller appears on the 1891 Omitted Roll of the Creek Nation, in the family of Jimmie Tom, and the name Nathan Tom appears in the same family on the 1895 Pay-Roll of said nation. This tribal enrollment is credited to Flora Tom, a daughter of said Jimmie Tom, whose name appears on the partial list of Creek Freedmen approved by the Department March 28, 1902, opposite No. 4046; but as this identification is merely a note upon her card, made two years after the approval of her enrollment and not substantiated by testimony or affidavits, it is possible that an error was made in crediting this tribal enrollment to said Flora Tom.

In view of the facts in the case, I have the honor to respectfully recommend that said motion of Nathan Tom for a rehearing in the matter of the application for his enrollment as a citizen of the Creek Nation be dismissed, and that the applicant be advised to appear before this Office at an early date, with witnesses having knowledge of the facts in his case, for the purpose of being examined under oath, relative to his alleged application for enrollment, as a citizen of the Creek Nation.

The motion for rehearing is herewith enclosed.

Respectfully,

Tams Bixby, Commissioner.

Through the
Commissioner of Indian Affairs.
JYM-K-27.

Department of the Interior,
RECEIVED

JAN 16 1906

No. 665

Indian Territory Division.

Department of the Interior,
January 19, 1906
Respectfully referred to the
Commissioner to the Five Civil-
ized Tribes for consideration
and appropriate action.

Shoeyun
First Assistant Secretary.

COMMISSIONER TO THE TRIBES

No.

Received

2919

JAN 23 1906

Book Page

Tom, Nathan,
Muskogee, I. T.,
Jan. 13, 1906.

3-12-06

Asks status of his appli-
cation for rehearing in
re application for enroll-
ment as a Creek.

CREEK ENROLLMENT.

Muskogee, Indian Territory.

January, 13, 1906.

The Honorable Secretary of the Interior,

Washington, D. C.

Dear Sir,-

Sometime during the month of October, I sent you an application for rehearing in the matter of my application for citizenship in the Creek Nation. I have failed to hear from you in regard thereto up to this time, Will you kindly advise me what action you have taken in the matter.

Yours truly,

Nathan T. Jones

Refer in reply to the following:
Land: 103018-1905.

C O P Y

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 2, 1906.,

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a letter from the Commissioner to the Five Civilized Tribes, dated December 21, 1905, transmitting for rehearing the application of Nathan Tom for enrollment as a citizen of the Creek Nation.

December 21, 1905, the Commissioner recommended that the motion for rehearing be denied and that the applicant be advised to appear before the Commissioner at an early date, with witnesses having knowledge of the facts of his case for the purpose of examination relative to his alleged application for enrollment as a citizen of the Creek Nation.

The motion as sworn, accompanied by several affidavits, sets out that Nathan Tom, aged 24, is the son of Jimmie Tom, a duly enrolled citizen of the Creek Nation, and of one Hettie Johnson; that during the minority of the petitioner, in the winter of 1899-1900, application was made for his enrollment by his father as a citizen of the Creek Nation; that the Commissioner to the Five Civilized Tribes refused to receive or consider the application, giving as a reason that the citizenship of Nathan Tom would be that of his mother, who, petitioner states, was an

applicant for enrollment as a citizen of the Choctaw Nation. The petitioner states that a decision was rendered denying himself and mother as Choctaw citizens; that he then appeared and attempted to make another application for enrollment as a citizen of the Creek Nation; that the Commissioner refused to receive the same giving as a reason that the time had expired in which applications could be made. He further states that he had been a resident of the Creek Nation all his life, and that money was drawn for him in 1891 and 1895.

I concur in the recommendation of the Commissioner that the applicant be advised to appear before the Commissioner at early date with witnesses for the purpose of examination under oath relative to his alleged application.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

MM. McC.

23727.

JP.WHR.LRS.

DEPARTMENT OF THE INTERIOR,
I.T.D.10080-1906. WASHINGTON, June 7, 1906.
Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Answering your letter of December 21, 1905, received with Indian Office letter of 2d instant, the petition for rehearing in the matter of the application of the enrollment of Nathan Tom as a citizen of the Creek Nation, is returned for disposal, in accordance with your recommendation and that of the Indian Office, except that there appears no reason why the petition should be dismissed as you suggest.

A copy of the Indian Office letter is inclosed, and also the letter of Nathan Tom, of October 25, 1905.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the
Commissioner of Indian Affairs.
3 inclosures.

Muskogee, Indian Territory, June 19, 1906.

Nathan Tom,

Care of Harry G. Davis,

Muskogee, Indian Territory.

Dear Sir:

In compliance with instructions contained in departmental letter of June 7, 1906, you are hereby notified that your case is set for hearing at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on July 9, 1906, at nine o'clock, A.M., at which time you will be permitted to introduce evidence in the matter of your alleged application for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, *Feb 2* 1907.

Commissioner to the Five
Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Creek Nation hereby waives protest in this case,
reserving to itself, however, the right to attack the enrollment
of this person if after investigation it is found that said en-
rollment was obtained upon fraudulent evidence.

Respectfully,


Creek National Attorney.

En 1048

~~Creek T. 1918.~~

Muskogee, Indian Territory, March 18, 1907.

Nathan Tom,

General Delivery,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, approved your enrollment as a Creek Freedman, opposite number 5593.

You are now entitled to allotment, and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1045

CR EN 1045

See old creek card 358

Old Cr F-358.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 7, 1905.

In the matter of the right to the enrollment of DeWit Lee
(deceased) as a Creek.

David A. Lee, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A David A. Lee.

Q What is your age? A 37.

Q What is your postoffice? A Boynton, I T.

The witness is identified as David A. Lee, on Creek Freedman card, field No. 381, and his name is contained in partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902, Roll No. 1494.

Q Did you ever have a child named DeWit Lee? A Yes sir.

Q Is he living? A Dead.

Q About how old was he when he died? A He was two years and something; I don't know just exactly; maybe two years old, either one and half and two.

Q Who was the mother of DeWit Lee? A Hannah Grayson.

Q Were you married to Hannah Grayson? A No sir.

Hannah Grayson is listed for enrollment on Creek Freedman card, field No. 358, and her name is contained in partial list of Creek Freedmen approved by the Secretary of the Interior, March 13, 1902, Roll No. 1401.

Q You say you were not married to Hannah Grayson, that this child was by you? A No sir.

Q How long did you live with her before this child was born? A One and half years.

Q Were you living with her at the time this child was born? A Yes sir.

Q Do you remember when the Creek Land Office was opened in Muskogee, when people came in to select land to file on? A Yes, sir.

Q Was DeWit Lee living then or dead? A Dead.

Q How long before that did he die? A I just don't recollect. To the best of my knowledge I think he may be a year; maybe not so long.

Q How long had he been dead when you filed on your land? A I don't remember that.

Q Did you file on your land as soon as the land office opened here in Muskogee? A I think I filed the year it was opened; during that time; it might have been the middle of the year; may be past the middle of the year.

The records of the Commission show that a citizenship certificate was issued to witness March 14, 1900.

Q You know that the land office opened almost a year before you filed on your land? A I don't know a thing. I don't know any thing about the land office. I was just telling what I think

~~DeWit Lee~~-----2.

about it.

Q How long before you filed on your land did DeWit die? A I don't think it might have been three months; may be not so long; I don't know.

Q I am asking how long before you filed on your land before you came here yourself? A I don't know; his mother was here in filing; I don't know how long.

Q How long before you filed on your own land? A After he died?

Q Yes; how long had he been dead when you filed on your land?

A I don't know, sir.

Q Did you come up here in Muskogee the day when the land office opened? A No sir.

Q You remember a lot of people came up here on that day and had a big celebration? A I heard it; I was not here. There was a lot of people in Muskogee.

Q Was DeWit living when you heard of it? A Yes, sir, I think he was.

Q But are you sure of that? A No, sir; I am not sure.

Q Did you put down in a book anywhere the date of his death--in a Bible? A No sir.

Q Do you know if his mother did? A She said she did.

Q In a Bible? A I guess it was the Bible.

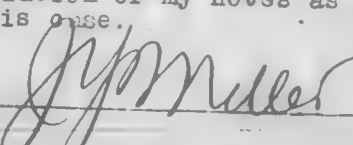
The witness is notified that it is necessary for Hannah Grayson, the alleged mother of DeWit Lee, to appear before the Commission with at least two witnesses who know the date of his death, and further to bring with her any written record that she has of said date.

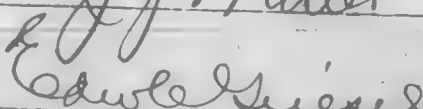
Q You understand that? A Yes sir.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed
before me this the
6 day of April, 1905.




Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Dewitt Lee
(Here insert name of deceased.)
 a citizen of the Creek Nation, who formerly resided at or near
Ridge, Ind. Ter., and died on the 14 day of April,
(Here insert name of post office.)
1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

Northwestern District.
 I, Dewitt C. Lee

on oath state that I am 36
 years of age and a citizen, by adoption, of the Creek Nation;
 that my post office address is Lee, Ind. Ter.; that I am
(Here insert name of post office.)
the Father of Dewitt Lee
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by Birth, of the Creek Nation;
 and that said Dewitt Lee died on the 14 day of
(Here insert name of deceased.)
April, 1900

WITNESSES TO SIGN:

Jos. M. Adkins
Levin S. Hillis
(Must be Two Witnesses.)

Subscribed and sworn to before me this 02 day of September 1901.

Ralph Phillips
Ex. office July 5, 1903. Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

Northwestern District.
 I, Dr. M. C. Hays

on oath state that I am 56
 years of age, and a citizen, by adoption, of the Creek Nation;
 that my post office address is Lee, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Dewitt Lee
(Here insert name of deceased.)
 who was a citizen, by Birth, of the Creek Nation;
 and that said Dewitt Lee died on the 14 day of
(Here insert name of deceased.)
April, 1900

WITNESSES TO SIGN:

R. E. Gordon
Jos. M. Adkins
(Must be Two Witnesses.)

Subscribed and sworn to before me this 02 day of September 1901.

Ralph Phillips
Ex. office July 5, 1903. Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1902.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Dewitt Lee (Here insert name of child) born on the 10th day of March, 1898.
Name of Father: David A. Lee a citizen of the Creek Nation.
Name of Mother: Hannah Lee nee Grayson a citizen of the Creek Nation.
Tribal enrollment of father: North Fork lot Tribal enrollment of mother: Arkansas lot
Postoffice: Grayson, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District. }

I, Hannah Lee, on oath state that I am 28
years of age and a citizen by adoption of the Creek Nation;
that I am the lawful wife of David A. Lee, who is a citizen, by
adoption of the Creek Nation; that a male child was
born to me on 11th day of March, 1898; that said child was named
Dewitt Lee and died April 7th 1899
and was living March 1, 1902.
* Hannah Lee

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 18th day of July, 1902.
Samuel J. Smith
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Western District. }

I, Fannie Tucker, a midwife, on oath state that I
attended on Hannah Lee an unmarried woman
on the 10th day of March, 1898; that there was born to her on said date a male
child; that said child died April 7, 1899
and was living March 1, 1902, and is said to have been named Dewitt Lee

WITNESSES TO MARK:

[Must be Two Witnesses]

F. S. Tucker
Alvin Tucker
Subscribed and sworn to before me this 19th day of July, 1902.
Edw. Peterson
Notary Public.

Em 1045

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 20, 1906.

Old Creek F. card 358.

In the matter of the application for the enrollment
of Dewitt Lee as a Creek freedman.

APPEARANCES: J.G.Lieber, atty. for applicant.
M.L.Mott, atty. for Creek Nation.

WILLIAM GRAYSON, being duly sworn, testified as
follows:

- Q What is your name? A William Grayson.
- Q What is your age? A Fifty some odd.
- Q What is your post office address? A Haskell.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q Creek freedman? A Yes, sir.
- Q Do you know David A. Lee? A Yes, sir
- Q Any kin to you? A No, sir
- Q Do you know the applicant in this case? A Yes
- Q What is his name? A Got a nickname, call him Teedles or something like that.
- Q Any other name? A Yes, but just slipped my memory.
- Q What is the name of that persons father? A David Lee /.
- Q Name of his mother? A Hannah Grayson.
- Q Any kin to you? A Niece of mine.
- Q She living? A Yes
- Q Where living? A Living about Grayson.
- Q How long have you known her? A For about 26 or 7 years.
- Q Do you live near her now? A No, sir not now.
- Q How long since you lived near her? A About five years.
- Q Where was that you lived near her about five years ago? A On Ash Creek near Haskell.
- Q Anywhere near Ridge? A About three miles northwest of Ridge.
- Q How long had you lived close to her before? A All my life nearly until that time.
- Q And this baby you call Teedles or something like that is her child? A Yes; that is not its name but I can't think.
- Q Boy or girl? A Boy.
- Q Grown person or child? A Child.
- Q How young? A A little over a year old when it died.
- Q When did it die? A Died in the spring of 1899.
- Q Were you present when it died? A No, sir.
- Q Did you go to the funeral? A Yes
- Q Were you present when it was born? A No, sir
- Q Who buried it? A I did.
- Q And made the coffin? A I did.
- Q Did you buy the material for it? A No, sir we had the planks.
- Q Did you buy any nails or anything like that? A When I got there they had the nails and everything.
- Q You don't know whether anything was bought for that burial or not? A No, sir
- Q Did they have a preacher? A I done the preaching.
- Q Can't you get any closer than saying the spring of '99, do you know the month and day on which it died? A I don't know but either in April or May. I can't just say what day of the month it was.

Q But you can't tell what month? A No, sir

Q Why did you say April or May then? A Because it was in the spring planting corn time.

Q Don't you plant corn in March? A It was later than that; the grass was up.

Q How do you know it was in the spring of '99? A I was going around preaching.

Q How does your preaching help you to remember it was '99? A I was out the time the child died and I came in and my wife told me and it was the year we put down our names at Lee.

Q Why did she tell you it was '99? A I didn't say she told me it was '99; she told me it was dead and we went up there the next morning. The reason I know it was '99 it was the year before that we put our names down at Lee.

Q What time did you say you put your names down at Lee? A In the summer or first of the fall of '98.

Q That is the only way you have of remembering the year is it? A Yes

Q That it was the spring after the fall that you had put your names down at Lee.

Q Did you make any record of this death? A No, sir.

Q Do you put down the names of people you preach funerals for? A No

Q Are you so positive of the year in which this child died that if you should discover that the parents have sworn that it died in another year that your belief in your year would not be shaken?

A No, sir.

Q Don't you think it possible you could be mistaken in the year or season in which this child died? A I don't think I could be mistaken.

Q You say it was the last of summer or early fall that you went to Lee, could you state the month? A No, sir I can't.

Q You can't mention two months one of which you are sure it was? A I would say but won't be sure it was in August or September.

Q You only think that? A Yes, sir.

Q Do you only just think it was in April or May this child died or are you sure of it? A I know that.

Q How can you be sure it was April or May the death and you can't remember about such an important thing as going to put your name down the first time? A I don't know; I am not sure of it to say just what month it was but the child died the spring after that.

Q Do you know what month it died in? A I don't know just what month for certain.

By atty. Lieber:

Q What was the condition of the grass when this child died? A Just growing up.

Q Are you a farmer also? A Yes

Q Have lived in this country all your life? A Yes, sir

Q About what time of the year does the grass generally begin growing in the spring? A In April or March; begins in May to grow good.

Have you ever known the grass in this country to begin growing before the first of April? A Never only one year in my life.

Q And when was that? A Long time ago, couldn't say what year, 20 or 25 years ago.

Commissioner:

Witness is identified as William Grayson opposite Creek freedman roll No. 1850.

Q You have stated already that you don't know exactly what time you went before the enrollment party at Lee. Do you know what time you made application for enrollment in the Creek Nation? A No, sir I don't know exactly when; about the year after.

Q Do you know what month? A No, sir.

Q Where did you do that, at Muskogee? A Yes, sir.

Q Was this child living at the time you came in to file for land? A It couldn't be living; I filed way afterwards.

Q How long had it been dead when you came in? A It might have been a year or 8 or 9 months.

Q There is some difference between a year and 8 or 9 months? A I can't tell exactly when I came in to file.

Q But you remember coming in to file don't you? A Yes, sir.

Q Wasn't that as important event in your mind as going to put your name down before the party at Lee? A I guess so but after I got my filing I didn't think of it.

Q Have you any children? A Yes

Q What is the name of the youngest? A LeeAnna

Q That the youngest? A Yes

Q Do you know when she was filed for? A I think along in the fall; some time in the fall.

Q Did you do the filing for all of them? A Yes, sir

Q And you think you filed for LeeAnna when you filed for all the rest? A Yes, sir

Q When was LeeAnna born? A I got it down but I couldn't just say She is 13 the 14th of this month.

Q Are any of your children dead? A No, sir

Q Did you bury any other children during the year 1899? A I don't know as I did right there at home.

Q Don't you know whether you did or not? A There are some buried there but different ministers did the burying.

Q I asked you if you had buried any other children in that year of '99? A Not to my recollection.

Q Did you preach the funeral of any other children? A No, sir

Q Was that the only child you preached the funeral for in 1899? A Yes

Q Are you an ordained preacher? A Yes, sir.

Q Do you keep that up right along? A Yes, sir.

Q During the year 1899 you preached and the only child you remember preaching a funeral for was this child whose name you can't remember? A Yes, sir.

Q Did you preach a funeral that year for any other citizens any grown person? A No, sir

Q You didn't preach a funeral for any one else during the year '99? A No, sir not to my recollection.

Q And that year you were a preacher all the year? A Yes, sir.

Q Do you know the names of any citizens who died during that year in your neighborhood, do you remember the name of any grown citizen who died during the year 1899? A Luna Ware died in 1899.

Q In your neighborhood? A Yes, sir.

Q What time did she die? A As near as my recollection along about Christmas I think.

Q Of 1899? A I think so.

Q Have you any means of remembering that exactly; was there anything happened that would help you remember it or was it just because it was near Christmas? A One thing helped me we had a Sunday school and I think we had that down in the Sunday school record.

Q About how old a child was Luna Ware? A I think 16 or 17.

Q Are you any kin to Luna Ware? A Yes, sir

Q What kin? A Uncle.

Q As much kin to Luna Ware as to this child? A Just about the same.

Q Did you testify in the Luna Ware case do you remember? A Yes, sir

Q You say you remember that Luna Ware died about Christmas of the year '99? A As near as my judgment tells.

Q And the reason you knew that was because it was in the Sunday school book? A Yes, sir.
Q And you had charge of those books? A No the secretary had charge. I was superintendant of the school.
Q You stated awhile ago that there was no record made of the applicant in this case? A No, sir.
Q How does it come that the applicant was not put down there and Luna Ware was? A How that comes--every Sunday school member was put in the record.
Q Was Luna Ware a member of the church? A Of the Sunday School.
Q And this child wasn't? A No, sir.

By Atty. Lieber.

Q Is it the custom to enroll children who are a year old as members of the Sabbath school? A No, sir.

Commissioner.

Q Do you know the names of any other citizens who died in that year? A I don't know that I recollect.
Q You preached all that year and you testified that you didn't bury any citizen in that year but this applicant? A I stated I didn't bury any to my recollection/

By Atty. Lieber.

Q When you spoke of enrolling at Lee who was enrolling at Lee at the time you refer to? A The Daves Commission.
Q Was that before or after the land office opened here at Muskogee that that enrolling was made at Lee by the Commission? A Before the land office opened.
Q How long before? A The land office I think was opened the next spring.
Q And the enrolling then was done the year before that? A Yes.
Q Do you know what year it was that that enrolling was made out there at Lee? A 1898.
Q Then it was the year after that that the land office opened at Muskogee? A Yes, sir.
Q Do you know whether or not the land office was opened here at Muskogee and filings were being made at the time this child died? A To the best of my judgment the land office was opened at Muskogee but I couldn't say exactly; the child died in April or May.
Q What makes you think the land office was opened at that time? A After that the folks came down to file.
Q Was anything said about filing for this child? A All I heard said about filing for it, my wife asked the woman Hannah "Why didn't you file for the child".
Q What did Hannah say? A She said she would file but her husband wouldn't let her come down to file.
Q Who do you mean by her husband? A Lee or Peters; Lee something was her first husband.
Q Lee Smith? A Lee Smith.
Q Lee Smith wasn't the father of this child that this testimony is being given about? A He, sir.
Q This child you are talking about was an illegitimate child was it? A Yes, sir.

By Atty. for Creek Nation.

Q When was the fact first made known to you that you would be wanted as a witness in this case? A Yesterday.

Q That is the first intimation you had about it since the death of the child that you would be wanted as a witness? A Yes.

Q As soon as you were told that you were wanted as a witness did it then occur to you to try and fix the date by whether the grass was up or not when the child died? A No, sir I knew that all the time. They came and asked me if I knew about when the child died.

Q And when did they come? A Yesterday.

Q And the only way you had of fixing the time of the death of the child was whether or not the grass was up when you buried it? A I knew the grass was up and everything and they asked me and I told them about what time it was to the best of my knowledge.

Q If I were to ask you about the death of some one else you buried several years ago would you determine it by whether or not the grass was up? A I might.

Q Is that the way you fix the date of everybody you helped bury as to whether or not the grass was up? A The reason I fix it that way was because it was in the spring and I knew the grass was up.

Q If I asked you now about the death and burial of several others would you know whether it was spring or fall of the year? A

Looks like I would know what time of the year it would be; I didn't keep any record of it.

Q It didn't occur to you from the time you buried the child up to yesterday that you would be called on to testify? A They never did ask me anything about the child.

Q Do you know any one else that you buried in that year? A None that I buried myself but attended the funeral.

Q Did you make the coffin for anybody else that year? A I made the coffin for Luna Ware I think.

Q Didn't you say under your other examination that you didn't? A I said to the best of my knowledge; then I said I remembered Luna Ware.

Q And you say you didn't help bury Luna Ware? A I didn't attend the funeral.

Q When you were examined in the Luna Ware case you were asked this question: "Was there anything else helps you remember that date?"

A Yes I remember it by I know they came to me to make a coffin."

Atty. for applicant objects to any questions that refer to the Luna Ware case being asked in this examination unless the record in the Luna Ware case be made a part of the record in this case.

Q Then you were asked this question: "You say you helped make a coffin for Luna Ware? A Yes, sir. Now did Luna Ware die in '99?"

A. I think Luna Ware died in '99. Q What time? A About Christmas!

Q She did die in '99 and you did help make a coffin for her? A Yes, sir.

Q You were mistaken then when you said you didn't make any coffin for her? A Yes, sir I made the coffin.

Atty. for applicant. We submit that the witness has never heretofore said in this examination that he had not made a coffin for any one else during that year.

Q Q According to that Luna Ware must have died in December '98, how was that? A I forget just how that is but I think Luna Ware died in December.

Q Which died first Luna Ware or this applicant? A Luna Ware.

Q Then you say this child died in April or May of '99 and Luna Ware died first? A Yes, sir.

Q Now listen to me William Grayson, when did Luna Ware die? A Died in December '99.

Q Now if Luna Ware died in December '99 and this applicant died in April or May '99 how did Luna Ware die first? A It might have been a mistake of mine but I have a record of it.

Q You might be mistaken then about the dates you have given? A Yes, sir.

Q Which will you say died first, Luna Ware or this applicant? A If I said in December Luna Ware died, this applicant died first.

Q Then if Luna Ware died in December, Luna Ware and this applicant can't both be entitled--

Atty. for applicant. We submit that the question asked is a question of law and not one of fact and entirely improper.

Q If Luna Ware died first and this applicant died in April or May of '99 then both of them cannot be entitled to enrollment under your testimony can they? A This applicant died in the spring.

Q And you swore that Luna Ware died in December '98? A I said then it might be '99 and I said it might be a mistake of mine.

Then you stated if you had said that Luna Ware died in December then this applicant died first--This question was asked to test the reliability of the witness' memory.

Atty. for Creek Nation requests that the record of the testimony of this witness in the Luna Ware case be made a part of the record in this case.

Q Don't you think that unless there is something unusual that to fix dates by a man's memory as far off as 6 or 7 years is rather an unsafe business? A Explain that question.

Q Question repeated. A I swore to this to the best of my knowledge.

Q You are a minister you say; you bury people every few days don't you? A They don't die that fast.

Q You have buried a great many? A Yes, sir.

Q Therefore the dates of when you bury people and when you preach these funerals is more apt to escape you than if you were not engaged in the business? A I don't know; I won't say so.

Q You would forget the day and even the season of the year of everybody you have buried and preached the funeral for? A Some things come to my memory some times and I remember that.

Q Don't you think if I asked you to give me the dates of half the people whose funerals you preached, don't you think it would be a question you couldn't answer with any degree of accuracy? A I couldn't answer every one because I don't keep any record.

Q Are you related to these parties in any way? A Yes, sir.

Q What relation? A I am the uncle of birth; uncle of Hannah Grayson and uncle of Luna Ware.

Q When did you last see the mother of this child? A Not for about four years.

Q Is she taking any interest in this case? A I can't tell you anything. Her husband came down and said he heard I buried the child and wanted to know when it was.

Q How many times have you been a witness before the Commission? A I think in the Luna Ware case only to my recollection.

Atty. for applicant.

Q Can you tell positively which one of these parties died first this child DeWitt Lee or Lena Ware? A I can't hardly tell positively which died first but I think according to my judgment the child would be first. The child died in the spring and Luna Ware in the winter.

Q Did Luna Ware die before or after you came down here to file for yourself? A Luna Ware must have died after I came to file. I didn't file till a year or eight months after the filing opened.

RICHARD TUCKER, being sworn, testified as follows:

Q What is your name? A Richard Tucker.

Q What is your age? A About forty seven.

Q What is your post office address? A Haskell.

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q What is the name of your wife? A Fannie Tucker.

Q Is she a citizen? A Yes, sir.

Q Do you know the name of the applicant in this case? A Yes, sir

Q What his its name? A Hannah Lee and the child DeWitt Lee.

Q Do you know the name of the father of the child? A Dave Lee.

Q How long have you known Hannah and Dave Lee? A Known Dave Lee for a good while, ever since he was a boy, mostly raised together.

Q Lived near him? A Not very far.

Q Lived near them when this child died? A Yes, sir.

Q How far? A They lived at Lee and I live about twelve miles north west of Lee.

Q Are you any kin to Hannah Grayson and Dave Lee? A I am Hannah Grayson's stepfather.

Q Were you present when DeWitt Lee died? A Yes

Q Did you go to the funeral? A Yes, sir

Q Who else was present at the funeral that you know of? A Dave Friday, William Grayson and William Grayson's wife and Katie Young and several others. The whole neighborhood nearly was out.

Q Do you know what day of the week it was buried? A That was on a Sunday.

Q How long had the child been dead? A It died on a Saturday and was buried on Sunday.

Q Do you know the day, month and year in which the child died?

A The month it died was in April.

Q What year? A I am not sure of the day but it was between the 8th and 10th; it was on a Sunday it was buried.

Q What year? A In '98--let me have a while, I want to be positive.

Q Sure of that are you? A Yes, sir pretty sure.

Q How do you know it was in '98, anything helps you remember that?

A They were enrolling out there near Lee and we went to Lee and the child was 5 or 6 months old then and that was in that year.

Q Do you mean to say it died in the year of the enrolling at Lee? A Yes, sir it died just before that, it died six months before---no hold on--it died --when they were enrolling it was 5 or 6 months old and that was in '98 according to my remembrance.

Q Is there anything else helps you remember it died in the year '98?

A No, sir I don't remember anything else but I remember because it happened right in my family; I was home there.

Q Are you as certain that it died in '98 as you are that it died in the month of April? A Yes, sir.

Q Just as sure of that are you? A Yes

Q How do you know it was on Sunday they buried it and Saturday it died, how do you remember the day of the week? A I couldn't tell how I remember it. I know it was Saturday it died and I know it was buried on a Sunday.

Q Has any one told you the year? A No, sir

Q Have you talked to anybody about it? A No, sir

Q You just remember it ? I remember it very well.

Q How many years ago did this child die? A It died in '99 and this is 1906, that would make it about six years ago.

By Atty. for applicant.

Q When did you say this child died? A It died in '99 in the spring.

Q You told these people a while ago that this child died in the spring of '98, which one is correct? A '99 but I thought they meant the birth is the reason I said '98.

Q At whose house was the child born? A Mine.

Q Your daughter was not at that time married was she? A No, sir

Q You say the child was about six months old when the Commission was enrolling out at Lee, is that right? A Yes, sir.

Q And it died the following spring? A Yes, sir

Q Do you know what year the Commission did that enrolling at Lee? A In '98 I think.

Q What time of the year? A The latter part of the summer.

Q Did the land office open before or after that enrollment was made at Lee? A After.

Q How long after? A The enrollment was in the latter part of the summer of '98 and the land office opened the next coming year.

Q What time the next coming year? A The first of April I think.

Q 99? A 99.

Q How old was this child when it died? A It was 12 or 13 months old.

Q Do you know what month it died? A In the month of April I think.

Q How do you remember that it died in that month? A It was during the time I began to farm; we had the doctor 2 or 3 times and I had to stop work to go.

Q Anything else that has happened since that which causes you to remember that this child died in April '99? A Once a notary public was there, wanted to get the age of the child and it was written on the headboard of the grave and I went over there and got the date off that.

Q When was that? A Three or four years ago, don't remember the date.

By atty. for Creek Nation.

Q Who put that date on the headboard? A I think a man by the name of Life Corbry.

Q When did he put it on? A When it died, stuck a slab at the head of the grave and put his name on there.

Q What did he put it on there with? A Lead pencil and cut it out with a knife.

Q How much of a name was cut out with a knife? A Letters of his name DeWitt Lee and the date of his birth and death.

Q Cut that out too? A Yes, sir

Q Who did that? A Life Corbry

Q Where is Life Corbry? A Dead.

Q When did he die? A He died I believe a year after that child died.

Q Is that slab there now? A No, sir I went to look for it; a notary Meriwether was seeing about it and he went there and got the date.

Q When? A Four or five years ago.

Q Where is he? A In town.

Q What is his name? A A.L.J. Meriwether.

Q You say he went with you and got the name off the slab? A Yes, sir

Q What did he do that for? A He said he was a notary and he wanted to get the date so he could file for the children.

Q And it was there when you and he went there? A Yes, sir

Q And the date of the birth and death was on it? A I know the date of the death was on there.

Q And you made a memorandum of it? A He did.

Q What interest did this man have in that child? A None at all.

Q Why was he wanting to file for it? A He didn't want to file for it. Dave Lee wanted to file for it and sent him over to get the date.

Q Was he a lawyer? A He was a notary at that time.

Q Was he representing Dave Lee the father as attorney? A He was representing Dave Lee at that time.

Q And you are sure you went with him over there and found the date on this slab? A Yes, sir.

Q Was it in good order when you got there? A Yes, sir.

Q Could you see the name? A It was written with a pencil and then cut with a knife.

Q You left the slab there did you? A Yes, sir.

Q How long was that after the death of the child? A About two years I think.

Q Did that notary appear here before the Commission that you know of?

A Not that I know of. father to the

Q You are the grandfather of this child? A I was step^A mother.

Q Is this the first time you have been a witness in the case? A Yes

Q Did she get you to come here this time? A Yes

Q When did you see her? A A little over a week.

Q Did she see you at the same time she saw Grayson? A I don't know whether she saw Grayson.

Q Was she at your house? A Yes, sir

Q How far do you live from Grayson? A One and a half or two miles.

Q Where is the father of the child? A At Boynton.

Q When was he out there? A Not for years I guess.

Q How do you know he hasn't? A Never seen him.

Q How did William Grayson get notice to come here? A He was the one helped to make the coffin.

Q Who told him he was wanted, who got him? A This man.

Q What is his name? A He is Hannah's husband.

Q Did you and William come down together? A Yes, sir

Q Did you talk about this matter? A No, sir only I was there when Mr. Lee got him to come down.

Q You were at Wm Grayson's when he got him to come down here? A Yes

Q Did you talk about it then? A No, sir only he wanted a witness that made the coffin and I told him Grayson made it.

Q And did you go over to Grayson? A Yes, sir

Q Did you ask Grayson when the child died? A He knew all about it. We asked him to come down; I spoke to him.

Q Did you talk about when the child died? A No, sir

Q You didn't say anything about it? A We told him Mr. Lee wanted him to come down and witness about the making of the coffin, that was all.

Q That was all that was said? A That is all I remember.

Q And you came here together and you never talked about it? A If we talked about it I don't know.

Q Don't you know you were talking to one another about what he knew when the child died and that you talked about what you knew? A He simply was just a witness that he made the coffin; I guess that is all he knew.

Q Didn't that man ask him if he knew when he made it? A No, sir.

Q Didn't you tell him when you thought it was buried? A No, sir

Q Didn't you tell him you knew when it was buried? A He knew

Q Do you mean to say that you went over to Wm Grayson's and that you didn't talk to him about coming down here and came here together today and you didn't say anything about your recollection when this child died; do you swear that? A The only thing we asked him was to come and testify that he made a coffin but to say anything else I don't recollect anything else.

Q What I want to know is if you two witnesses coming here for the same purpose and you never said a word to each other about your recollection as to when that child died? A Really I didn't know myself only in April and I didn't think he was coming to testify only that he made the coffin.

Q Didn't he tell you he recollected it was in the spring in '99? A He may have.

Q Didn't you tell him you recollected it was in the spring of the year, in April? Didn't you both talk about recollecting it was that month. It is only a question of a few days. Do you pretend to say that man brought you down here and didn't know a thing when it died? A Its mother got the date; I guess he knew it by that.

Q Have you told him you knew when it died? A Yes, I told him.

Q What did you tell him; did you tell him what you told here today?

A I don't recollect.

Q Did you tell him you recollected it died in April? A Yes

Q Did Billy Grayson tell him that? A I don't know.

Q When you went over there with him did he ask Billy Grayson?

A I don't believe he did? A The only thing he wanted was about testifying when he made the coffin. No, sir, I didn't ask him.

Q Did you hear him ask him? A I don't believe he did ask him.

Q Didn't you know what he was going to swear to? A No, sir.

Q What did you bring him for? A I didn't know what he was going to swear to until he came.

Q Did you speak about it today? A No, sir, no idea only he made the coffin.

Q Didn't say a word about the date? A No, sir not as I recollect.

Q Can't you think a little if you can't recollect what took place today how can you recollect what took place in '99? A I don't recollect having any conversation about the date of the birth; I was just thinking about making the coffin.

Q Did you think that was the important part? A I thought making the coffin was the most important thing.

Q Do you swear to this Commission that you didn't know the important thing was the date when this child died? A Yes, sir

Q Suppose he died in February '99 and before the land office opened would he be entitled to enrollment; don't you know he wouldn't? A That's what the Commission says.

Q Don't you know if he died before the land office opened he wouldn't be entitled to enrollment? A Yes, sir.

Q You say it died the 8th or 10th of April, 8 or 10 days after the land office opened? A Yes, sir

Q And now are you willing to say that the date of the death is not the important question in this investigation? A I don't know

I didn't know the date of the death was to get it on the roll.

Q Didn't you know if he died before the first of April he wouldn't be entitled to enrollment? A I thought that he was enrolled; it was enrolled in '98.

Q You knew if it died before April '99 it couldn't be enrolled?

A I enrolled it with its mother at Lee.

Q The question is whether you gave the correct date or not. I will ask you again don't you know if it died before April 1st, it wouldn't be entitled to enrollment? A I didn't know it.

Q You didn't? A I didn't until now.

Q Don't you know that anybody who died before the land office opened couldn't get an allotment? A I thought anybody enrolled was entitled to an allotment; I enrolled it with its mother.

Q You gave in the child, you couldn't enroll it, the Commission has got to pass on it; don't you know that if it died before the land office opened it couldn't get an allotment? A No, sir; I said I enrolled that child.

Q Don't you know anybody who died before the land office opened By atty. for applicant. can't get an allotment?

We submit that this question has been repeatedly asked and answered by the witness.

Q What did you mean a while ago when you swore that you knew a person was not entitled to allotment if they died before '99?

A Did I say that.

Q That is what you said, nobody could get an allotment who died before April 1st '99; in other words didn't you know this child couldn't get an allotment if it died before April 1, 1899? A That is what I don't know.

Q What did you mean when you swore you did know? A I said it was enrolled; I went to Lee and enrolled it with its mother, at Lee when the Commission was there

Q What do you mean by enrolling? A Put their names down.
Q Do you think putting their names down gives them allotments?
A That is the way I did.
Q Do you think giving their names gives them an allotment? If
that is so what did you come up here for? A You just got me to
come down.
Q Didn't you come here to say that it died after the first of
April 1899; didn't you come here for that? A Yes, sir
Q Didn't that mean that that question would decide whether it
got an allotment? A Yes, sir
Q What did you mean when you said a little while ago that you
didn't know if it died before April 1, '99 it couldn't get an
allotment? Do you want to leave that that way? A About what I
don't know.

Commissioner.

Q Have you any children dead? A No, sir
Q All yours are living? A Yes, sir
Q Got any real young children? A No, sir
Q About how old is your youngest? A About 16 years old.
Q Do you know whether this child died in the day time or night
time, you say you were present? A Yes, sir
Q When was it? A In the morning early.
Q Do you know what hour? A I don't know, just after breakfast.
Q What time do you usually have breakfast? A Seven or eight o'clock
Q It was after 7 or 8 o'clock then when the child died? A Yes, sir
Q How many people did you enroll at Lee? A Just my family and
Hannah and her child; what I enrolled then was myself and wife
and Walter, and Alvin Tucker, Dora Tucker, Emma and Hannah
Grayson and DeWitt Lee.
Q You stated a while ago that a man named Meriwether went out to
that grave 4 or 5 years ago and you looked for that headboard
and found it didn't you? A Yes, sir.
Q Why did you say you went out there? A He was a notary and
wanted the date.
Q What did he want it for? A The father of the child wanted to file
for it.
Q What is the name of the father of the child? A Dave Lee
Q How do you know that? A From Meriwether or the father?
A The father and him both; Meriwether told me that was his busi-
ness out there.
Q Do you know if he ever did anything further? A I don't know.
Q Do you know why? A No, sir
Q Did you see the headboard at that time? A Yes, sir I did.
Q I believe you stated you didn't know whether the birth was on
there or not but you did remember the death was on, is that
correct? A Yes, sir
Q What did it say on that board about the death? A It said
DeWitt Lee died April - I don't know exactly--1909
Q Are you sure it said 1909 or are you mistaken again?
A Let me think--said DeWitt Lee died April 1909 that is what I
remember was on it--1899 is what I wanted to say.
Q Did you actually see April on that? A Yes, sir.
Q You can remember that but you can't remember what date? A I
don't exactly remember the date but seems to me it was the 10th
or something like that.
Q Are you trying to remember what you saw or what you think was
there? A Trying to tell what was on there.
Do you know any date was on there? A Yes a date was on there.
Q Did this man Meriwether write it down from that? A Yes, sir he did
Q Can you read or write? A A little.
Q Do you know whether he wrote it down just the way it was on
that board? A Yes. I didn't see him write it but I saw it.

By M. L. Nett

Q What year was that you and this man went down there, do you know what year it was? A I don't know.

Q What month did you and Meriwether go down there? A I couldn't tell that.

Q Were you farming that year you and he went down? A Yes, sir

Q Did you stop your work to go down there? A I don't know whether I was farming or not. I don't know whether it was winter or summer.

Q How long was that after the death of the child? A One or two years, nearly two.

Q Is that as close as you can come to it? A To be sure I will say one or two years.

Q Have you ever talked to Meriwether about it since that time? or did he ever do anything about having that child enrolled?

A No, sir

Q You knew he did that at that time to get that child enrolled?

A Yes, sir.

Q Didn't it occur to you at that time that you hadn't enrolled it at Lee? A Hannah came down to file for it and when she came down the child was dead and she had to get the name of the doctor and other things caused her not to file for it and she was trying to get that up.

Q What was the name of the doctor? A One was Dr. Husa.

Q Is he living? A Yes in town some where.

Q Any other doctor? A One more but I forget his name, and he left the country.

Q Was that doctor there when it died? A No, sir he was tending on it when it was sick.

Q Do you know who was there close to the time it died? A No, sir the other doctor was the one that tended it.

Q Did you ever see what that Meriwether wrote down? A No, sir

Q You don't know whether he wrote it in a book or on a slip of paper? A No, sir

Q How do you know he wrote it? A I saw him writing it.

Q And you don't know whether it was on a piece of paper or in a book, how do you explain that, that you saw him writing it and don't know whether it was on a slip of paper or in a book?

A I don't know whether it was on a piece of paper or in a book, I don't recollect; it might have been in a book.

Q When I asked you if you saw that writing you said you didn't see it? A I saw him writing it but I didn't read it.

Q And you don't know whether in a book or on a slip of paper? A No, sir

Q How does it come you know what he was writing it with, you noticed the pencil? A I couldn't say that, he wrote it --but with a pencil I don't know. He went to the grave and got it and I don't remember how he wrote it down.

Q And you never talked to him since about that? A No, sir

Q Did you ever ask any of the others whether he wrote anything about it? A Yes I asked Hannah.

Q What did she say? A She said she came down to file but had to get the doctors name.

Q I asked you if you talked to Meriwether about his going out there to the grave and I asked if you talked to any one else about Meriwether going out there and whether he did anything since? A No, sir I didn't.

Q Do you know what year this is? A 1906

Q What month? A July

Q What day of the week? A Today is Thursday.

Q Do you know what year the Creek land office opened in? A In '98--'99 April

Q How does it come that you are smart enough to answer all these questions and that when we first asked you when this child died you said '98? A I misunderstood the question, the first question is the reason I made that mistake; I thought you asked when the child birthed.

Q We asked you plainly about the death all the time; I repeated it over and over. I asked you how you knew it died in '98. I asked you if you were sure it died in '98 and you said yes, sir you were. You didn't say you thought it was born then? A That is what I had in mind, had in mind the birth of the child.

Q Are you sure the child didn't die in 1900? A Yes, sir

Q Are you sure of that? A Yes, sir

Q How are you sure of it? A Because I had its name put down in Lee, that was in '98.

Q How would that make you sure it didn't die in 1900? A It died the next coming spring after the enrollment.

Q You swear positively to that? A Yes, sir.

Q Is there anything else besides the fact that think it was the spring after you put those peoples names down at Lee, anything else helps you remember the date of the death of this child?

A I can't recollect anything else.

By atty. for applicant.

Q Do you know why your daughter didn't make application to enroll this child long ago, shortly after it died? A No, sir only she came down to enroll it and she had to get the name of the doctor she told me.

Q Did she have a husband at that time? A No, sir, she wasn't married then.

Q You say you enrolled this child with yourself and family in '98 at Lee? A Yes, sir

We desire to refer to freedman enrollment card field No. 358 containing the name of the witness and his family including the name of the applicant herein and to the enrollment card to which said card was transferred which is freedman card No. 348 field No. 358 and make the same a part of the record in this case. These cards are referred to for the purpose of showing that this enrollment was made by the witness in August 1898.

Q You say this child was living at the time you made that enrollment at Lee? A Yes, sir

Q And it was about how old at that time? A Five or six months

Q And died the following spring? A Yes, sir

We desire also to offer in evidence the affidavit of Hannah Lee, mother of the applicant and of Fannie Tucker the midwife, for the purpose of showing the date of birth and death of the child.

Commissioner: Mr. Lieber why do you introduce the affidavit of the mother of the child and of Fannie Tucker when you know we requested to have them come in here and be examined under oath.

Mr. Lieber: Because Hannah Grayson is at present physically unable to appear here in person and I deem it best to have her affidavit so that if she should die we would have her evidence. If the Commission desires it we will have Hannah Grayson here as soon as she is able to be here.

Applicant and his attorney are again advised that we desire the evidence of Hannah Grayson as soon as she is able to be here. and you are advised that in place of the affidavit of this woman Tucker we prefer to examine her in person for experience has taught us that people are not as careful in making affidavits as they are under examination.

I, Anna Garrigue, under oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this
28 day of July 1906.

Anna Garrigue
Edmond Merrick
Notary Public.

28.
Power of Attorney.

Know All Men by These Presents,

That I, Hannah Grayson, of Henryetta, I.T.
Indian Territory, do hereby make, constitute, and appoint David A. Lee

of Lee, Indian Territory, my true, sufficient, and lawful
attorney, for me in my name to Select and file for my son

Dewitt Lee who is a citizen of the creek nation indian territory

for the reason that I am not able to look after this matter and no section
Town ship and range 2

and to do and perform all necessary acts in the execution and prosecution of the aforesaid business in as
full and useful a manner as I might do if I were personally present.

In witness whereof, I have hereunto set my hand and seal, this 6th day of July 1901

Hannah Grayson Seal

Signed, sealed, and delivered in the presence of

Henry Lewis
Chapman

United States of America, }
INDIAN TERRITORY, } ss.
Northern DISTRICT.

I, Geo. S. Calmes, a Notary Public within and for the northern
District of the Indian Territory, do hereby certify that Hannah Grayson
named in the foregoing instrument as grantor, appeared before me this day in person and acknowledged
that she had signed and executed the foregoing Power of Attorney as her free and voluntary act
and deed, and for the purposes and considerations therein mentioned and set forth.

Given under my hand and Notarial seal this 6th day of July 1901

Geo. S. Calmes
Notary Public.

My commission expires Apr 4/1904

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dewit Lee, deceased, as a Creek freedman.

D E C I S I O N.

The records in the possession of this office show that in August 1898, the name of Dewitt Lee, was, on information given by his step-grandfather, Richard Tucker, listed on old Creek freedman card number 358, which action is considered as an original application for his enrollment as a Creek freedman. Further proceedings were had on March 7, 1905 and July 20, 1906. The affidavits of David A. Lee and Dr. M. C. Huza, in the matter of the death of Dewit Lee, executed September 5, 1901, and the affidavit of Hannah Lee, executed July 18, 1906, and the affidavit of Fannie Tucker, executed July 19, 1906, in the matter of the birth and death of said Dewit Lee, deceased, are attached to and made a part of the record herein.

The applicant herein, in all proceedings had subsequent to the original application, is referred to as, Dewit Lee, and further reference will be made to him under that name.

It appears from the evidence and the records in the possession of this office that Dewit Lee is the minor child of David A. Lee and Hannah Grayson, whose names appear on a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite numbers 1494 and 1401, respectively.

The evidence in this case is somewhat contradictory but the weight of the evidence shows that Dewit Lee, deceased, was born in the month of March, 1898, and died in the month of April, 1899, subsequent to the first day of said month.

It is, therefore, ordered and adjudged that the said Dewit Lee, deceased, is entitled to enrollment as a Creek freedman, under the provisions of the act of Congress approved March 1, 1901 (31 Stats., 861) and the application for his enrollment as such is accordingly granted.

Muskogee, Indian Territory.


COMMISSIONER.

JAN 31 1907

Muskogee, Indian Territory, *January 31st 1907.*

Commissioner to the Five
Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Creek Nation hereby waives pretext in this case, reserving to itself, however, the right to attack the enrollment of this person if after investigation it is found that said enrollment was obtained upon fraudulent evidence.

Respectfully,

M. L. Smith

Creek National Attorney.

J.P.

Em. 1045

~~Creek P. 1905.~~

Muskogee, Indian Territory, March 4, 1907.

Hannah Grayson,

c/o David A. Lee,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that on February 27, 1907, the Secretary of the Interior approved the enrollment of your minor child, Dewitt Lee, deceased, as a Creek Freedman, whose name appears opposite Creek Freedman roll number 5679.

This child is now entitled to allotment, and application therefor should be made without delay by the duly appointed administrator at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1046

CR EN 1046

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 24, 1906.

In the matter of the application for the enrollment of
Henry Edwards, deceased as a Creek Freedman.

Appearances: L. M. Mett, attorney for Creek Nation.

Rachel A. Edwards, being first duly sworn testified as
follows:

Questions by Commissioner:

- Q: What is your name? A: Rachael A. Edwards.
Q: How old are you? A: I don't know sir, I can't tell you
that.
Q: Can you tell about how old you are? A: They got it down
on the book there.
Q: You mean on the record here? A: Yes sir.
Q: That is as near as you can come to it is it? A: Yes sir.
Q: You are about 35 or 40 ain't you? A: I don't know.
Q: What is your post-office address? A: Muskogee.
Q: Have you a street number? A: No sir.
Q: Just get your mail general delivery? A: I come for it.
Q: What is the name of your father? A: Jerry Jackson.
But they call him Jerry Stitum.
Q: What is the name of your mother? A: Sarah Stitum.
(The witness is identified as Rachael Walker, opposite
creek freedman roll No. 3408.)
Q: The records here show that you are about 40 or 41 years of
age, is that correct? A: I don't know.
Q: You said it was here on the record? A: I said it was
but I don't know.
Q: What is your purpose in coming here today? A: I came here
to see if I could enroll my child Henry Edwards.
Q: Is he living? A: No sir, he is dead.
Q: When was he born? A: The first day of March.
Q: How do you know that? A: Well it was on the 1st. day of
March.
Q: This year? A: Yes, this year.
Q: What day of the week was that? A: I don't know sir,
but it was on the 1st of March.
Q: How is it you can tell us the 1st. day of March and can't
tell us what day of the week it was.
A: That is all I can tell you, it was the 1st. of March.
Q: Answer my question please? How can you tell it was the
1st. day of March, you can remember that far back and tell
that, and can't tell what day of the week it is? (No answer)
Q: What is the name of the father of this child? A: Silas
Edwards.
Q: Are you married to him? A: Yes sir.
Q: Is he a citizen of any of the Five Tribes? A: No sir.
Q: A state man? A: Yes sir.
Q: When did this child die? A: It was the 6th. of June.
Q: Are you sure of that? A: Yes sir.
Q: What day of the week was that? A: It was the 6th. day of
June.
Q: What day of the week? Sunday, Monday, Tuesday or what?
A: I don't know sir.
Q: How old was the child when it died? A: 3 months old.
Q: Was it exactly 3 months or was it more or less?
A: 3 months.
Q: To the day? A: To the day, 3 months.

- Q: Do you think from March 1st to June 6, is 3 months exactly to a day? A: Well that is all I can tell you.
- Q: Who was present when this child was born? A: The midwife.
- Q: What is her name? A: Ann McQueen.
- Q: Where does she live? A: Out in the country.
- Q: Was anybody else present when this child was born? A: My mother and Mr. Edwards.
- Q: Who do you mean, the father of the child? A: Yes sir.
- Q: You are sure they were there? A: Yes sir, they were right there.
- Q: There wasn't any Doctor there was there? A: Aunt Ann she was there.
- Q: Well a doctor, was there a doctor there? A: No sir, (You are advised you are to have Ann McQueen appear here)
- A: Yes sir, she had a woman to attend to and couldn't get off this morning, and I came to see if I couldn't make application myself.
- Q: Did you have a child enrolled last year? A: I told you this year.
- Q: Did you have a child enrolled last year? A: No sir. I had one enrolled in 1902, it wasn't last year.
- Q: What was the name of that child? A: Rosabelle Edwards.
- Q: Is she living? A: Yes sir, she is living.
- Q: How long had the child Henry Edwards been dead before you buried him? A: Why we kept him one night and buried him the next day.
- Q: What date was that you buried him? A: Oh Mister, I could not tell you.
- Q: Can't you tell what date of the month it was? A: No sir it was in June.
- Q: You can tell the exact date it died in June, but you can't tell what the next day was, how does that happen?
- A: That was buried on Saturday.
- Q: What date of the month of June was it? A: Well now I don't know sir.
- Q: How does it come that you say the child died on the 6th day of June and can't say what day it was buried although it was the next day? A: It was buried in June about I don't know what date it was.
- Q: How long has it been since that child was buried, put in the ground, how long has it been?
- A: I don't understand that.
- Q: Was it 6 months ago? A: I don't understand that sir, and I ain't going to say.
- Q: You claim that you had a child that died and was buried?
- A: Yes sir.
- Q: How long ago has it been since that funeral for that child?
- A: We didn't have any funeral for it.
- Q: I mean since you put it in the ground? A: It was on a Saturday.
- Q: How long ago was that? Has it been 6 months or 5 months or 4 months or what? A: Since it was buried?
- Q: Yes? A: I don't know sir, I can't answer that because I don't understand you.
- Q: That is a pretty plain question. Did you have a Doctor in the child's last sickness before it died? A: No sir.
- Q: You didn't have a doctor even after it was sick? What made it die? A: I don't know sir.
- Q: Just quit living? A: Oh shaw, sir, I don't know what made it die I couldn't tell that.
- Q: You don't know what complaint it was? A: I couldn't tell you that.
- Q: How old was it when it died? A: Three months old.
- Q: Are you sure of that? A: Yes sir, I told you 3 months.

- Q: You said it was 3 months to a day, not more than 3 months or one day less. A: I said 3 months, I said 3 months when I first came.
- Q: If it died on June 6, and it was exactly 3 months old then it must have been born March 6th. A: I told you the truth
- Q: Then you are either mistaken or swearing falsely when you say it died June 6th. or that it was exactly 3 months old which is it now? A: I am telling you the truth, it was born on the 1st. of March
- Q: Are you telling the truth when you say it wasn't one day more or one day less than 3 months? A: Well I told you 3 months that is all I know.
- Q: Well now someplace you are not telling the truth, whether intentionally or not, one of these three statements is wrong, do you not know so? A: No sir I said the 1st. of March.
- Q: Who made the coffin for this child? A: Mr. Randal.
- Q: Jim Randal or who? A: Abe Randal.
- Q: Where does he hang out? A: In the country.
- Q: From Muskogee? A: Yes sir.
- Q: Who dug the grave do you know? A: Mr. Edwards.
- Q: Your husband? A: Yes sir.
- Q: What graveyard is the child buried in? A: The old agency
- Q: Is there anything on the grave is there a head-board or mark on it? A: Yes sir, it was marked.
- Q: What did it say on it? A: Henry Edwards.
- Q: Did it give the date of the birth or death of the child? A: Yes sir.
- Q: Were there any figures on it? A: Yes sir.
- Q: What did it say? A: When he was born.
- Q: Did it say when he was buried or when he died? A: No sir.
- Q: Do you know that the name and when it was born was on there? A: Yes, they said it was on there.
- Q: Did you ever see it on there? A: Yes sir.
- Q: Well then you would know it if you saw it on there wouldn't you, was it printed on the board? A: They printed it on there with a lead pencil.
- Q: When did you see that last? A: I haven't been there for quite a while.
- Q: Did you see that the day of the burial? A: Yes sir.
- Q: Did you go to the burial? A: Yes sir, that is the last time I was there.
- Q: That is the last time you ~~were~~ saw it? A: Yes sir.
- Q: That was the first time you saw it too wasn't it? A: The first and the last time.
- Q: You are sure it gave the name of the child and date of birth? A: Yes sir.
- Q: You say it was written on the board with a pencil? A: Yes sir.
- Q: You have never seen it since? A: No sir.
- Q: Do you know whether it is there now or not? A: It ought to be there.
- Q: Where is the old agency graveyard near the school? A: A: No sir it is further.
- Q: How many miles? A: I couldn't tell
- Q: Near whose place is it? A: Lizzie Fields.
- Q: Didn't you have any preaching when that child was born? A: No sir.
- Q: Wasn't any preacher there at the time of his death or burial? A: No sir, because they didn't preach on baby funerals ~~and~~
- Q: And especially very young babies? A: No sir we didn't have any preaching for young babies because it couldn't talk.
- Q: What month is this? A: It is July.
- Q: What date, July what? A: I don't know sir.

- Q: How does it come if you can't tell what day in July it is today and still you can go clear back to March and say the child was born March 1st.
- A: Today is the 24th.
- Q: How did you find that out? A: Did somebody tell you?
- A: No sir, nobody told me. Because tomorrow will be the 25th if I am not mistaken.
- Q: Still you can't tell what the date after June 6th. is can you? A: I didn't look in the almanac.
- Q: Did you look in the almanac the day it died? A: If I did I would have told.
- Q: You have already told us the child died June 6th, did you look in the almanac in order to tell us that? A: Yes sir
- Q: You didn't look in the almanac the next day? A: No sir I didn't look in the almanac the next day.
- Q: So you can't tell us what the next day was after June 6?
- A: No sir, if I had looked in the almanac I could.
- Q: Can you read and write? A: I ~~cannot~~ can't write but I can scratch.
- Q: Where did this man get the lumber to make the coffin?
- A: Out of a box we had at home.
- Q: Didn't he buy any tools or anything else? A: We had nails
- Q: Did you buy any clothes to bury the child in? A: Yes sir
- Q: What did you buy? A: Some clothes for it.
- Q: Where? A: At the store.
- Q: What store? A: Pattersons.
- Q: Did you pay for the clothes? A: Yes sir.
- Q: When did you buy those? ~~xx~~ The day it died, the day before the funeral or when? A: No sir I had some clothes for it.
- Q: Why did you say you bought them then? A: I bought the cloth that I had, that came from Pattersons store.
- Q: Do you trade there right along? A: Yes sir.
- Q: Did you buy it the day the child died? I had the cloth there?
- Q: How long had you had the cloth? A: 3 days.
- Q: When the child was dead? A: Yes sir.
- Q: It was calico you bought was it? A: Yes sir.
- Q: How much did you buy? A: I didn't have but 4 yards.
- Q: You buried the child in that? A: Yes sir.
- Q: And you had bought it 3 or 4 days before the child died?
- A: Yes sir.
- Q: Do you know the name of the clerk you bought it from?
- A: No sir.
- Q: You don't know what day of the Month March 1st is do you
- A: No sir, if I had an almanac, I could tell you.
- Q: You don't know what day of the week the child was born on?
- A: No sir.
- Q: Was Ann McQueen in the house right at the time?
- A: Yes sir.
- Q: Was she there before the child was born? A: No sir.
- Q: How did she get there? A: I sent for her.
- Q: Who went for her? A: Mamma.
- Q: What is her name? A: Sarah Stitum.
- Q: How far did Ann McQueen live from your house? A: I couldn't tell how far from our house.
- Q: Is it a mile? A: I don't think it is that far?
- Q: She walked then did she? A: Yes sir.
- Q: Was the child born in the night or day time? A: Day time
- Q: What time? A: 2 o'clock.
- Q: In the afternoon? A: Yes sir.
- Q: Right after dinner? A: It was in the evening.

- Q: 2 o'clock after midnight do you mean? A: I didn't say midnight.
- Q: Isn't 2 o'clock right after the mid day meal? A: It was born in the day time Mister.
- Q: At 2 o'clock? A: Yes sir.
- Q: And you mother went for her? A: Yes sir.
- Q: How long did Ann McQueen stay with you? A: All day.
- Q: Did she stay any of the next day? A: No sir she stayed all day and came back the next day.
- Q: Was Ann McQueen at the burial? A: No sir, she didn't went
- Q: Did you look at the calender the day this child was born?
- A: No sir.
- Q: How do you know it was March 1, then? A: Well I seed the almanac hanging up there.
- Q: Why did you say you didn't look at the calender, isn't a almanac as good as a calender any time? A: Yes sir
- Q: Why did you say you didn't look at the calender then? Can't you answer a plain question? A: Yes sir.
- Q: now could you tell it was the 1st day of March you said you didn't look at the calender and now you say it was in the almanac. A: Yes sir.
- Q: Did you look at the calender? A: No sir, I didn't.
- Q: What good does it do to have an almanac or calender there if you didn't look at it? What has the presence of an almanac got to do with it if you don't look at it? Why do you mention the fact that there was one there if you didn't look at it? A: There was one there.
- Q: Did you look at it? A: I tell you there was an almanac there.
- Q: Did you look at one the day the child was born? A: She looked at it and I looked at it afterwards.
- Q: When did you look at it? A: The 1st. of March, just as I am telling you.

Questions by L. M. Mott.

- Q: Why haven't you come in here before now? A: Well I wasn't feeling well and I ain't well now and I don't know that I could make any application out for it.
- Q: What did you come for? A: I came to see if I could.
- Q: Who told you to come? A: No-one didn't tell me to come.
- Q: How did you know to come then? A: I heard others talking about it.
- Q: Did you ever hear anybody say they were having their children enrolled? A: Yes sir.
- Q: Did you know that children were being enrolled born about the time yours was? A: Yes sir. I heard it but I didn't know.
- Q: Were you satisfied it was so from what you heard? A: No sir, I wasn't satisfied I came to find out, because it was told me but I didn't know, like I stated.
- Q: Did you hear the rolls were going to be closed pretty soon?
- A: I didn't hear that.
- Q: Did anybody tell you you had better go on and have it enrolled, if you were going to?
- A: No sir, nobody told me that.
- Q: How did you find out you could enroll dead children at all?
- A: I said I come to see if I could in the first beginning when I was asked I said that.
- Q: What day would it have to be born on in order to enroll it?
- A: That is what I don't know.
- Q: You don't know that? A: No sir, I don't know that.
- Q: You have heard haven't you? A: No I didn't hear that.

- Q: Do you swear that you never heard that it would have to be born or die on a certain date in order to be enrolled?
- A: No sir, I didn't hear that at all because I was home working I didn't hear a thing about it.
- Q: What do you know about it? Do you know that a child born after the 4th. of March could not be enrolled? A: No sir I didn't hear that.
- Q: You didn't know that to be so? A: No sir, I didn't know that to be so.
- Q: Do you know if it died before the 4th. of March it couldn't be enrolled? A: No sir, I didn't know that. No sir I am telling the truth I didn't know it.
- Q: Did that child live more than a day? A: I said 3 months, like I said.
- Q: It was three months old was it? What day of the month was it born on? A: I told you the 1st of March.
- Q: Do you mean the 1st. day of March? A: I mean the first day of March.
- Q: Then it died on the 6th. day of June, didn't it? A: Yes sir.
- Q: How old was it when it died? A: Why it was 3 months old.
- Q: Exactly 3 months? A: Yes sir that is the way I count it I might have got it wrong though.
- Q: When did you count it? Why don't you count it now? You swear it was just 3 months old? A: Just like I said the first time.
- Q: Was it 3 months and 2 days old? A: No sir I didn't say that I said 3 months.
- Q: Was it 3 months and 1 day? A: I didn't say that, as much, I said 3 months.
- Q: Do you swear it was over 2 months and 30 days when it died?
- A: No sir, I said 3 months. Just like I said, I said 3 months, that is all I know.
- Q: If it was 3 weeks over 3 months you still swear it was 3 months? A: It was 3 months.
- Q: If it was 2 weeks under three months you would still swear it was 3 month? A: It was three months.
- Q: That is what you came here to swear and you are going to swear that? A: Yes, I swear 3 months.
- I want to say what is right I just ask you all the question
- Q: We are the ones who ask the questions and you are the one to answer? A: When I can't answer I can't Mister.
- Q: You are not going to answer the commission any other way except three months are you? A: I said it is 3 months old that is all I said.
- Q: And that is all you are going to say? A: Yes, I am going to say three months.
- Q: If anybody would show you it wasn't 3 months old, what are you going to say then? A: Then I can't say anything.
- Q: Would you still say 3 months? A: Yes sir.
- Q: If we would show to you that it was over three months old would you still stick to 3 months? A: Yes, I would still say it was 3 months.
- Q: Whether it was the truth or not? A: I would still say 3 months.
- Q: Are you stuck on 3 months? A: Yes, I said 3 months.
- Q: Are you not afraid you will go crazy on the question of 3 months? I don't know, if I go crazy I would have to go crazy on three months.
- Q: Who put that headboard over that grave? A: Mr. Edwards
- Q: When did he do that 3 months ago? A: He put it there when he buried the baby.
- Q: Are you sure when it was buried? A: Yes sir the next day after it died.

- Q: Were you there when the child was buried? A: Was I there I said they buried the child.
- Q: Where were you? A: No? I was at home.
- Q: What were you doing at home? A: I wasn't doing anything at home.
- Q: Why wasn't you at the burial? A: Because going to a burying don't agree with me.
- Q: Why do you swear you saw them put up that head-board when you wasn't there? A: You never asked me on that same question.
- Q: I asked you who put up the head board, and you told me and I asked you if you saw him put it there and you said yes.
- A: Yes sir, I thought you said who buried him and I told you Mr. Edwards.
- Q: I asked you about the head-board there and you said Mr. Edwards put it up and ~~you~~ I asked you when he put it there and you stated he put it there the same day the child was buried and that you saw it, and now when I asked you if you were at the burial you say you were not there?
- A: I was there.
- Q: Now you state you were there? Didn't you state you didn't go to the burial because it didn't agree with you? A: Yes I said that but I said going to burials didn't agree with me.
- Q: You said that is the reason you didn't go? Now didn't you?
- A: Yes but then I didn't aim to say that I was ~~there~~. not there
- Q: Then it does agree with you to go? A: No sir, it don't agree with me but I go to Burials.
- Q: There was no possible chance for you to make a mistake there You said you didn't go to the burial because it didn't agree with you? A: No sir, it don't agree with me.
- Q: You said you were not at that burial, and said it did not agree with you to go to a burial, I asked you several times if you were there and you said No sir, I wasn't there and I said why wasn't you and you said because it don't agree with me, now what do you mean? A: It don't agree with me but I was there.
- Q: When I told you you swore that you said you saw them put that head-board there you then stated that you did, that you were there and saw him, do you want to leave that testimony in that shape? A: No sir, I want it right.
- Q: What is right? Tell it then? A: I want it fixed right if it could be fixed right.
- A: I don't see how we will do it with you.
- A: Well it was just a mistake that is all. I tell you it don't agree with me but I was there.
- Q: What was on that head board? A: Henry Edwards, like I said.
- Q: No date of birth or death or burial? A: No, we just put his name down and the day he was born on.
- Q: You did put that down? A: Yes sir.
- Q: It is there now? A: Yes sir, it was there.
- Q: It hasn't had time to be rubbed out has it? Unless somebody pulled it up it is there isn't it? A: Yes sir.
- Q: What was it written in? Was it cut in with a knife?
- A: No sir.
- Q: Was it painted? A: No sir, it was with a pencil.
- Q: Have you been there since? A: No sir I haven't been there since the funeral.
- Q: Who was your closest neighbor? A: Mr. Small.
- Q: A white man? A: Colored man.
- Q: Is he any kin to you? A: Yes sir.

- Q: Who is your closest neighbor who isn't a colored man?
A: All that is around there is kin to me except the white folks
Q: Who are the white folks that are close to you? A: They just came this year.
Q: Did they come before the baby died? A: Yes sir.
Q: They came the first of the year didn't they? A: I don't know sir they came this year.
Q: Don't know their names? A: No sir.
Q: Where do you live, Agency hill? A: No sir.
Q: Where? A: On the other side.
Q: Do you live near George Island? A: Back this way.
Q: How far from George? A: I couldn't tell you how far.
Q: Is it as far from here to where you live? A: I don't know sir.
Q: You know George don't live but a mile or two on the other side of the Agency? A: I don't know.
Q: How far do you live on the other side of the agency?
A: They call it 4 miles.
Q: From here? A: I mean from where he lives at.
Q: Is it 4 miles from here or from the agency? A: Yes sir I don't know from here how far it is I couldn't tell you.
Q: Where is the mid-wife. A: She went to see some woman this morning.
Q: Are you a Creek Citizen? A: Yes sir.
Q: Is your husband a Creek citizen? A: No sir.
Q: Have you any other children living? A: Yes all except that one.
Q: How many? A: 4 with the one that died.
Q: Are they all allotted except that one? A: Yes sir.

Questions by Commissioner:

- Q: How many children have you had altogether? A: 4 with the one that is dead.
Q: 3 living is that right? A: 4 living and one dead.
Let's see, Jerry, Samuel, Emma, Rosabelle, I have 4 living and the one that died would make 5.
Q: You swear positively that you have given birth to 5 children
A: Yes, I have 5 with the one that is dead.
Q: Did you have such a child as Henry Edwards? A: Yes, he is dead.
: You had such a child? A: I am not telling you a lie, I am telling you the truth.
Q: Are you sure it was more than a week old when it died?
A: I couldn't tell you, I said it was 3 months old when it died

Questions by L. M. Mott:

- Q: How many weeks does it take to make a month? A: I don't know.
Q: How many days does it take to make a month? A: I don't know.
Q: How many days does it take to make a week? A: I don't know that.
Q: Do you swear you don't know that? A: Yes sir.
Q: Listen now, I am going to ask this question one more time you know you can be indicted for perjury if you swear anything that ain't so. Do you swear you don't know which is the most, a week or 3 months?
A: Why a month is more than a week.
Q: 3 months or a week, I said, which is the most? A: 3 months is the most.
Q: Why did you tell Mr. Haynes a minute ago you didn't know whether it lived a week or not, but you knew it lived 3 months? You told him you didn't know whether it lived a week or not but that it lived 3 months? A: Yes sir, it lived 3 months.

- Q: How many weeks in a month? A: I don't know.
 Q: Don't you know there are 4 weeks in a month? A: No sir
 Q: How many days in a week? A: I don't know that, because I never studied it.
 Q: Don't you know there are 7 days in a week? A: No sir I don't know that.
 Q: Do you swear you don't know that and that you can read and write? A: I can read and write a little.
 Q: And you swear you don't know there are 7 days in a week? A: I told you I didn't know because I haven't studied that.
 Q: I am asking you questions to give you a chance to swear the truth, if you will, do you swear you don't know that there are 7 days in a week and that you can read and write? A: Sunday ain't it.
 Q: What is the first day of the week? A: Sunday.
 Q: What is the next? A: Monday.
 Q: What is the next? A: Wednesday.
 Q: What is the next? A: Thursday.
 Q: What is the next? A: Friday.
 Q: What is the next? A: Saturday.
 Q: How many is that? A: I didn't count it when I went over it.
 Q: Well then count it on your fingers, I want the commissioner and secretary to see how you can answer this question. Count it and see if you can tell how many days in a week? (Witness counts on her fingers)
 Q: How many are there? A: 7.
 Q: How many weeks in a month? A: I don't know sir.
 Q: Don't you know there are 4? A: No sir.
 Q: How many days in a month? A: I don't know sir, I didn't study that because I don't know.
 Q: How many months in a year? A: 12 I reckon.
 Q: What is the names of the months that the child lived in? A: I think in June.
 Q: What are the names of the different months that it lived in? A: I didn't understand you question.
 Q: If it was born in March it lived in March didn't it? A: Yes sir.
 Q: What was the next month? A: April.
 Q: What was the next month? A: May.
 Q: What was the next? A: June.
 Q: What did you mean when you said you didn't know that?
 A: I didn't understand what you were talking about, you turned it around that way.

Questions by Commissioner:

- Q: What day of the week was this child born on whether it was Sunday, Monday, Tuesday or what? A: I can't tell you.
 Q: Can you tell what day of the week it died on? A: I said it was on Saturday I think it was on Saturday I am not certain.
 Q: Can you tell what day of the week it was buried on whether Sunday, Monday, Tuesday or what? A: I think it was on Saturday I am not certain.
 Q: It was not buried on the same day it died was it?
 A: We kept him one night and buried him the next day.
 Q: Why did you say he died on Saturday and buried him on Saturday? A: I didn't say that I said I think we buried him on Saturday.
 Q: What day did it die do you know? A: I couldn't tell you.
 Q: Do you mean to say that you can tell us when it was buried and say it was Saturday and don't know what the day before that is? A: It was on Saturday the next day would have been Sunday.

- Q: Do you mean to tell us you don't know what the day before Saturday is? A: It is Friday.
- Q: How does it come when I asked you what day of the week it died on you said you couldn't tell and when I asked you when it was buried you said Saturday? A: Yes sir
- Q: How does that come?
- Q: Were you going to answer that question when I first asked what day of the week it was born on? A: I don't know when I said I thought it was on Saturday.
- Q: You are talking about the burial, I have asked you the day of the birth 2 or 3 times and you said you don't know.
- A: I said the 1st of May.
- Q: But the day of the week? A: I don't know sir.
- Q: Then I asked you what day of the week it died and you said you didn't know and then I asked you what day of the week it was buried on and you said on Saturday.
- A: Well then it must have been on Friday. You see I couldn't understand that.

(Note)

The calendar for the year 1906 consulted and it appears that March 1st falls on Thursday.
It further appears that June 5th. falls on Wednesday and that the day after June 5th. is Thursday.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date

Julia C. Laval.

Subscribed and sworn to before me
this 1st. day of August, 1906.

H. H. Harris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Henry Edwards as a Creek Freedman.

DECISION.

The record in this case shows that on July 24, 1906, Rachel A. Edwards appeared before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of her minor son, Henry Edwards, as a Creek Freedman.

The evidence in this case shows that the minor applicant is the son of Rachel A. Edwards, who is identified as Rachael Walker, whose name appears on the partial roll of Creek Freedmen, approved by the Secretary of the Interior on March 28, 1902, opposite number 3408 thereof.

The evidence as to the date of the birth and death of the applicant is so uncertain and unsatisfactory that no affirmative finding thereon can be made. The mother of the minor applicant was examined fully upon this subject and it is evident that either she had no conception of dates or that she was not telling the truth. The said mother, Rachel A. Edwards, was notified at the time her testimony was taken, to have the midwife who was present at the time of the birth of the child appear before the Commissioner, but no further testimony has ever been offered in this case.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Henry Edwards, as a Creek Freedman and the application for his enrollment as such is accordingly denied.


COMMISSIONER.

Muskogee, Indian Territory,

JAN 23 1907

Bn. 1046.

Muskogee, Indian Territory, January 28, 1907.

Rachel Edwards,

Care of Silas Edwards,

Muskogee, Indian Territory.

Dear Madam:

There is inclosed herewith one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Henry Edwards as a Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.

Inc. CM-28-12

En. 1046

Muskogee, Indian Territory, January 26, 1907.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Henry Edwards as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Inc. CM-28-13

En. 1046

Muskogee, Indian Territory, January 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Henry Edwards as a Creek freedman, including the decision of the Commissioner, dated January 23, 1906.

Very respectfully,

Commissioner.

**Through the Commissioner
of Indian Affairs.**

Inc. CM-28-14

CR EN 1047

CR EN 1047

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY.
JULY 24, 1906.

In the matter of the application for the enrollment of
Eddie Levi, as a citizen of the Creek Nation.

Letha Levi, being first duly sworn, testified as follows:
Questions by Commissioner:

- Q: What is your name? A: Letha Levi.
Q: How do you spell that Levi? A: Levi.
Q: You are sure that is correct are you? A: That is the way I spell it.
Q: A minute ago you spelled it Levie, didn't you?
A: No sir, that lady spelled it that way.
Q: Can you read or write?
A: A little not much.
Q: How old are you? A: I don't know for certain how old I am.
Q: You don't know how old you are? A: No sir, not for certain, I don't know.
Q: Do you think you are 20? A: Well that is what my father said when I came there to enroll my other child, but they claimed I wasn't but 16.
Q: So you had another child before this, did you? A: Yes sir.
Q: What was his name? A: Almond.
Q: Almond what? A: Almond Newbey.
Q: What is your post-office? A: Coweta.
Q: You had a child named Almond Newbey did you? A: Yes sir.
Q: Is that child living? A: Yes sir.
Q: You were not married to the father of that child were you?
A: No sir.
Q: Were you married to anybody at the time he was born?
A: No sir, not when he was born, I wasn't married to any one.
Q: What is ~~you~~ the name of your husband? A: My husband's name is William Levi.
Q: Where is this child Almond? A: About a mile from here, out here on the midland valley road.
Q: How old is Almond? A: Not 2 years old yet, not until September.
Q: How long after the birth of that child until you married Levi? A: About 4 months.
Q: What is the name of this child you have in your arms?
A: Eddie Levi.
Q: It is by this man Levi is it? A: Yes sir.
Q: How long had you been married before you had this child?
A: I had been married about, I couldn't say certain how long. I have been married a year and something I don't know how long.
Q: It seems to me, a woman who had one child by one man to whom she was not married, and then marry again and have a child by the man she married, no matter how ignorant she ought to know how long she was married before she had the child. A: Well, I don't know.
Q: Do you understand the nature of an oath, there are a few things you must remember.
A: I married on the 27 of December and this child was born on the 27th of February.
Q: You are trying to slip around it, I am not asking the date of the birth of this child, I want to ask you how long have you been married, just remember that fact?

- Q: Do you know as a matter of fact you would have had to be married at least 9 months if this child is a legitimate child, don't you know that?
- A: Yes, I was married over 9 months.
- Q: Well now how much more than 9 months was it?
- A: About 3 months.
- Q: Was it more than a year or less than a year?
- A: Over a year.
- (The purpose of this strict examination is that the child is present and does not appear to be nearly as old as stated)
- Q: Why did you wait here so long before you came in here to apply for this child? A: When I went to enroll the baby they said they wasn't enrolling them.
- Q: How did you know they were enrolling now? A: My father told me.
- Q: What is your father's name? A: Joe Hawkins.
- Q: What is your mother's name? A: Nettie Hawkins, she is dead now.
- Q: You wait until the very day before the last day before for enrollment and live out here at Coveta, only 30 miles from here. Isn't it a fact that you didn't come in to apply for this child in the month of April, the last part of April or in the month of May or anything like that because this child was just born this month or last month?
- A: No sir, I did not.
- Q: How old is that child, tell me right off?
- A: It is over four months old.
- Q: Are you sure of that? A: Yes sir.
- Q: How much over 4 months old? A: I can't tell exactly I have to count the weeks I can't get it together.
- Q: When did you say this child was born? A: The 27 of Feb.
- Q: What year? A: 1906.
- Q: Who told you you must say that? A: Nobody.
- Q: You swear positively that nobody told you to say that or instructed you to say it? A: Yes sir.
- Q: You swear that positively? A: Yes sir.
- Q: What day of the week was it born? A: On Tuesday.
- Q: How do you know it was on Tuesday? A: Because I know the day of the week.
- Q: What day of the week were you married on? A: I was married on Tuesday night.
- Q: What day was that? A: The 27 of December.
- Q: 1900 and that? A: 1904.
- Q: The 27 of December 1904? A: Yes sir.
- Q: How long after your child Almond Newbey was born before you were married? A: It was over 4 months old but how much over I can't tell.
- Q: Do you swear positively that you can state that this child was born on Tuesday, without having been told or instructed that you must say Tuesday, can you swear that? A: Yes sir.
- Q: You just remember it was Tuesday do you? A: Yes sir.
- Q: Did you look at a calendar or anything like that to refresh your mind? A: I have looked at it.
- Q: Did you just before you came up here? A: No sir.
- Q: Nobody showed it to you? A: No sir.
- Q: Is your husband a citizen? A: No sir.
- Q: Do you know what month this is? A: Yes sir.
- Q: What is it? A: July.
- Q: What was last month? A: Last month was June.
- Q: How old do you say this child is?
- A: This baby here is over 4 months old.
- Q: How much over 4? A: Mister, I haven't got a good head to count.
- Q: Have you got a good head to tell the truth with? A: Yes sir.
- Q: Go ahead, 4 months and how much, a day a week or what? (No answer)

- Q: Are you sure it is not 5 months? A: No sir, I am not sure. If you tell me what day of the month this is I can tell you.
- Q: They forgot to tell you what day of the month this is, did they? A: Nobody didn't tell me nothing.
- Q: Do you know what day of the week this is? A: Yes sir.
- Q: What is it? A: Today is Tuesday.
- Q: You can't tell me how much over 4 months old it is or how much it lacks of 5 months or can't really say whether it is 5 months old or not? A: No sir.
- Q: Isn't it a fact that this child is less than 4 months old from its looks? A: No sir, I am not sure.
- Q: Did you have a doctor when this child was born? A: Nobody but that lady out there.
- Q: Nobody but the midwife? A: Yes sir.
- Q: How long were you in bed when it was born? A: 6 weeks.
- Q: How can you tell that so accurately, was it exactly 6 weeks? A: Yes sir.
- Q: What date did you get up? A: I got up on Wednesday.
- Q: What day of the month was it? A: I don't know what month it was.
- Q: How is it you can't tell me what date of the month it was if you can tell me that it was exactly 6 weeks and on Wednesday? A: My father put it down in the bible.
- Q: What is your father's name? A: Jim Hawkins.
- Q: What did your father put down in the bible? A: When the baby was born.
- Q: When did he put it down? A: As soon as the baby was born.
- Q: How many children have you enrolled? A: I haven't enrolled but one, this one here.
- Q: When was that born, the oldest child? A: On September 7.
- Q: What year? A: 1904.
- Q: Are you living with your husband? A: Yes sir.
- Q: Where is he? A: Down town.
- Q: Did he come to town with you? A: No sir he works in town.
- Q: When did you come to town? A: I came from Coweta yesterday.
- Q: When is the time up for enrolling babies, do you know? A: I don't know, I heard them say it would be out pretty soon.
- Q: Never heard them say what day? A: No sir.
- Q: Are you certain of that? A: No sir, I don't know what time.
- Q: Do you swear that nobody told you that if you didn't come down here by tomorrow that you couldn't enroll? A: No sir, they told me if I didn't come soon it would be closed, but I don't know what day it was.
- Q: Are you living right in the town of Coweta? A: No sir, I live about 5 miles in the country.
- Q: Who lives near you? A: Joe Hawkins.
- Q: Who is your right close neighbors? A: My father and Uncle are the closest neighbors I have got.
- Q: How near do they live? A: In talking distance.
- Q: Who is the closest neighbor who is no kin to you? A: Elder Johnson.
- Q: Anybody else? A: A white family lives right close, but I don't know their names.
- Q: What is the name of the mid-wife who attended you? A: Jennie Nelson.
- Q: Is she any kin to you? A: No sir.
- Q: Does she live in the same house with you? A: No sir.
- Q: How did she happen to come up there when the child was born? A: I sent for her.
- Q: Was the father of the child there? A: No sir.
- Q: Who went for her? A: My Aunt.
- Q: Is that the woman who was peeping in the door there 2 or 3 minutes after being told not to come in? A: No sir, that was my husband's mother.
- Q: Was she there when it was born? A: No sir.
- Q: How long after it was born before she saw it? A: About a week.

- Q: Was it your husband that wrote the entry in the bible for that child? A: Yes sir.
- Q: Have you that bible with you? A: No sir.
- Q: How long after the birth of the child was that? A: I don't know how long it was.
- Q: Wasn't it just the other day he wrote that down? A: No sir.
- Q: Was it as much as a month after the child was born? A: No sir, it was before I got up.
- Q: Was it a week after the birth of the child? A: Yes sir about a week.
- Q: What did he write with a pen or pencil? A: I don't know I think it was an indelible pencil but I wouldn't be sure.
- Q: Did you ever see it? A: Yes sir.
- Q: Isn't it a fact that you looked at it when you came in this morning? A: No sir, I came in yesterday.
- Q: Did you look at it yesterday? A: No sir.
- Q: Is it the last entry on the page it appears on? A: No sir, it is about the middle of the page.
- Q: What name comes after it? A: I don't know, he has not all the name and age of the children down.
- Q: You haven't had any children born since then have you? A: No sir, but he had children.
- Q: Has he had children born since this one? A: No sir.
- Q: Well what are you trying to tell me? A: I said it was about the middle of the page that the writing was on.
- Q: I asked you if there was any other writing on the same page that the writing about this child is on? A: Yes sir.
- Q: Is there any writing comes after the writing on this page after the writing about this child? A: Not as I know of.
- Q: The best you know about it, the last thing that appears on the same page is the entry of this child? A: Yes sir, the last time I saw the book the baby was on the bottom of the other writing.
- Q: What did it say? A: Eddie Levi.
- Q: Is that all it said? A: Eddie Levi born February 27, 1906
- Q: Are you sure of that? A: Yes sir.
- Q: How many times have you looked at that other entry? A: Not since it was put down.
- Q: Well you remember that is what it said are you? A: Yes sir.
- Q: You looked at it only once in your life time and can swear positively that is what it said? A: Yes sir.
- Q: How old was this child when you named it Eddie? A: I named it Eddie last month. I didn't name it but its father named it last month.
- Q: How old was it when you named it? A: It was 4 months old.
- Q: If you never named the baby until last week how could your father have written it in the book a week after it was born? A: My husband named it. We gave it that name but the father named the child after I told him, he hadn't seen the baby.
- Q: You stated that the baby wasn't named more than a month ago didn't you? A: Yes sir.
- Q: How could a man put down a name 4 months ago that didn't exist? You stated that the child wasn't named until about a month ago, and that the child was 4 months old when it was named and still you swear positively that although you had seen that writing but once in your life time you can swear positively that Eddie was born and give the date and so on? A: The book can be brought to show.
- Q: Will you have your father bring that book in here to be examined today? A: Yes sir.
- Q: Do you write your name? A: Yes sir.
- Q: Do you live with your husband? A: Yes sir.

- Q: Don't he stay here most of the time? A: He works here.
- Q: How often does he go home? A: He don't go home, I stays down here with him, I just went home week before last and came back yesterday.
- Q: You stay here then do you? A: Yes sir.
- Q: Your post-office is Muskogee? A: ~~Yes~~ No sir, I get my mail at Coweta. It is closer to Coweta town.
- Q: Where was this child born? A: In my house.
- Q: Have you a house in Coweta? A: No sir, I live with my sister.
- Q: How long were you with her before you came up here?
- A: I just came yesterday.
- Q: You were and have been with her ~~since~~ all day yesterday and today haven't you? A: No sir, I just come on the evening train night before last.
- Q: Did you talk all night with her? A: No sir, she went to the Park last night.
- Q: Haven't you talked with her about the enrolling of children and that the time was pretty near up? A: No sir.
- Q: Never said a word to her? A: No sir.
- Q: Did you ever say anything to anybody? A: No sir. The most talk I done was when they told me they was enrolling babies.
- Q: Who told you that? A: My father.
- Q: When was that? A: When he came back home.
- Q: When did he come back home? A: On Saturday.
- Q: Was last Saturday the first time you heard they were enrolling children? A: No sir I heard it a long time ago but I didn't know they were enrolling babies now until Saturday.
- Q: When did you hear it before? A: Last spring.
- Q: Was your baby born then? A: Yes sir.
- Q: How did you hear that? A: I just heard folks speaking of it.
- Q: Did they come to your house or did you hear it on the outside? A: At their house and to mine too.
- Q: You heard it out at their place? A: Yes sir.
- Q: You testified you didn't get up for 6 weeks after the child was born, that you were in bed 6 weeks sick, you have sworn that? A: Yes sir.
- Q: Now you state you have heard about the enrollment and that it has been more than 6 weeks ago.
- A: Did I hear it was before I got up? I said I heard it through other folks, it must have been after I got up.
- Q: The matter of the fact is that ~~wh~~ filed for young children as late as that. Isn't it a fact you were told you couldn't file for a baby born during April or May, isn't it a fact you knew that and that is the reason you didn't file?
- A: No sir, I heard they couldn't file for dead babies.
- Q: You have heard lots of talk about enrolling haven't you?
- A: Yes sir. My cousin came and said she couldn't file her dead baby.
- Q: What is her name? A: Rachael Mackeden.
- Q: Where does she live? A: Close to where I live about a mile.
- Q: How near the end of the month was this child born, was it born on the last day? A: No sir, it wasn't the last day it was quite a good while before that?
- Q: How long? A: I don't know just how long.
- Q: What do you mean by a good while? A: Near about a week or so I suppose or may be more.
- Q: Do you think the 27th. of February is a week or more before the end of the month? A: I am not sure but it seems a week.
- Q: Stop to think a little more, we are not wanting to frighten you in any way, we want the truth.
- Q: How near the end of the month was the child born? Was it

- the last day of the month? A: No sir.
- Q: Was it next to the last day? A: No sir.
- Q: You are sure of that are you? Was it two days before the end of the month? A: It was more than 2 days.
- Q: Was it three days before the end of the month? A: I don't know sir, it was born on the 27 and I don't know how many days the month has.
- Q: You don't know how many days the month has? A: No sir.
- Q: How do you know it was the 27th. then? A: Because I know it is.
- Q: Because is a very poor reason.
- Q: How many days before March came in was it that this child was born? A: I don't know.
- Q: If you don't exactly remember the number of days in February still you do know when a month begins don't you? A: Yes sir.
- Q: Don't you or someone for you tear off the leaf of the calendar when a new month comes in? A: Yes sir.
- Q: You usually tear that off so you would know when March began wouldn't you? A: Yes sir.
- Q: How old was this child, if she was ~~xx~~ old at all when March began? A: I guess she was 3 or 4 days, I don't know sir. I say I don't know sir, it must have been 3 or 4 days I don't like to state anything I don't know.
- Q: What makes you state it was 3 or 4 days, is it because you say it was the 27th. are you thinking of that?
- A: Yes sir/ That is what I am thinking now.
- Q: That does not seem like it is fair for you to come up here and swear it was the 27th. and say nobody told you to swear that, and you positively swear that is the date not because someone told you but because you said you knew it, and then you state you don't know how many days are in February. You do know when March first comes in or when any month comes in and you think, although you don't know much about it, but you think the child was 3 or 4 days old when March came in? Now isn't it a fact you say March came in in 3 or 4 days because the 27th. to the 30th. is 3 or 4 days? Isn't it a fact you gave the 27th: as the date because you were told or because you think you have to stick to it that it was born on that date.
- A: No sir, because I said it was on the 27th. I had an almanac to look at, but how many days after or before that I didn't look at that, and I know it was the 27th.
- Q: Still you don't know how many days after are in that same month because you know it was the 27th. because you looked at it? A: Yes sir.
- Q: You looked at that calendar and don't know how many days are in that month? A: No sir.
- Q: Isn't it a fact that you tore that leaf off the next day?
- A: No sir, I didn't tear it off the next day, the leaf is on.
- Q: Have you got an almanac at home? A: Yes sir.
- Q: Is that what you were talking about when you said Almanac?
- A: Yes sir.
- Q: You meant calendar did you? A: Yes sir.
- Q: Well now you look at that calendar and knew it was the 27th because you looked at it and yet can't tell how many days are in February. A: 28 days I have always heard it said there are 28 days but I will not swear to that.
- Q: How old is your child Almond now? A: He will be 2 years old in the 7th. of September.
- Q: Now Almond was born before this child wasn't he? A: Yes sir.
- Q: How can you tell the exact age of Almond and can't tell the exact age of this one? A: Well because I know it was born on the 7th. of September, I always remembered that.

- Q: Don't you remember when this child was born? A: Yes, I remember when this child was born.
- Q: That is the only reason you give for giving the exact age of Almond because you remember he was born on the 7th. of September and gave the exact date when this child was born. Now how do you know when this child was born?
(Witness takes a long time to answer)
- Q: How old is that child you have in your lap.
- A: It is over 4 months old.
- Q: That is your answer is it? A: Yes sir.
- Q: How old is Almond? A: He will be two years old the 7th of next September.
- Q: You can tell us that Almond will be 2 years old the 7th. of next September but your answer as to how old that child is you say 4 months indefinitely, you don't say 4 months or that he is 5, is that your last answer, that he is 4 months of age? A: I am trying to get at it closely because you see Almond will be 2 years old on the 7th. of September.
- Q: I asked you how old this child is and you say 4 months. I count from the date of the month to the date of the next month.
- Q: Is it more than 4 months or less than 4 months.
- A: This baby is more.
- Q: How much more? (Another long pause)
- Q: Answer the question? Can you answer the question?
- A: Well I can't get it right, I can't tell how much older he is but I know he is over 4 months, because I can count.
- Q: How does it come you can count 2 years for Almond and you say he will be so old on such a day? A: Because I know they count from the 7th. of one month to the 7th. of next month and so on.
- Q: You did that for Almond but not for the other baby, is that it? Q: You don't really know whether this child was living on the 4th. day of March, 1906 or not do you?
- A: Yes sir, he was living.
- Q: How can you tell when you are so ignorant that you can't tell how much more than 4 months it is?
- How old was it on the 4th. day of March? A: I don't know.
- Q: How old was it on the 1st. of March? The first of March is one day you ignorant people know because you tear off a page of the calendar and you say you looked at the calendar and still you say you didn't tear off the page of the calendar the next day.
- Isn't it a fact that someone told you you would have to stick to that date?
- A: No sir, nobody told me but I am telling you what I know myself.
- Q: You don't know how old it was on the 1st. of March do you?
- A: No sir.
- Q: You don't know how old it was on the 4th. of March? A: No sir.
- Q: And don't know how many days between the 27th. of February and the 1st. of March, do you? A: No sir.

Jennie Nelson being first duly sworn testified as follows:

- Q: What is your name? A: Jennie Nelson.
- Q: How old are you? A: Well, I don't know exactly, about 56
- Q: What is your post-office address? A: Coweta.
- Q: Are you a citizen of the Creek Nation? A: No sir.
- Q: A state woman are you? A: Yes sir.
- Q: Do you know the little girl over at your right? A: Yes sir
- Q: What is her name?

Letha Levi, she used to be named Letha Hawkins.

Q: Do you live near her? A: Yes sir, I live a quarter of a mile from her.

Q: Do you know her children? A: Yes sir.

Q: How many has she had? A: 2

Q: What is the name of the oldest? A: Alvy, Alvin or something

Q: What is the name of the next one? A: I never did learn this one's name.

Q: Did you go away shortly after it was born? A: Yes sir about an hour or two after it was born.

Q: You only stayed while it was born and left? A: Yes sir I went home.

Q: You left the child sick in bed didn't you? A: Yes sir.

Q: How long was she down sick do you know. A: Well she was down sick 4 or 5 weeks.

Q: Aunty tell us to the best of your recollection how old that child is? A: That baby was born---

Q: That is one way of getting at the age by some people, I am asking straight questions, how ~~old~~ old is that child? A: 6 months going on 7.

Q: Six going on 7 months old as near as I can come at it. As near as I can come at it.

Q: If you had stated 12 months, would you have said as near as you can come at it? A: No sir.

Q: Do you know it is more than 3 months old? A: Yes, I know it is.

Q: Your knowledge of time or dates isn't very good is it?

A: Of course not like you who practices it but I can tell you that baby is over 3 months old.

Q: Is it 4 months old? A: Yes sir it is.

Q: Is it 5? A: Yes sir.

Q: Is he six? A: He is going on 7.

Q: What month was it born on? A: In February.

Q: If that child was born in February it could not possibly be 6 months old going on 7.

Q: Well it was born the 27th. of February.

Q: Then it can't be 6 months old going on 7.

Q: What made you make it such a long time, did anybody tell you to say that? A: No sir, nobody has to tell me that.

Q: Don't you know by looking at that child that it is a young child? A: Well that baby has been puny. It is awful puny ain't it?

Q: How do you know, you hav not been around there any more after it was born? A: Of course I was there now and then I heard it was puny, sick.

Q: Who came after you when you went to attend her when the child was born? A: A woman by the name of ~~Silla~~ Silla.

Q: Silla What? A: Silla Hawkins.

Q: Is she the one who came for you? A: Yes sir.

Q: Do you remember what day of the week it was born on?

A: Well I believe it was Wednesday, I am not right certain.

Q: Do you look at the calender the last and first of every month? A: No sir.

Q: You are an ignorant woman, how do you keep dates then?

A: I don't keep it exactly as you do but I looks at it some times.

Q: Isn't that the only way you have of ~~knowing~~ knowing when a month begins and when it ends? A: I don't keep it exactly like you do.

Q: The day you went there or the night, whenever it was, to attend to this woman that was a big thing wasn't it? Going to wait on a child that is something you would be likely to remember isn't it? A: Yes sir.

Q: Did you look at the calender that day?

A: No sir, I don't think I did.

Q: Did anybody tell you what date it was? A: I don't think I looked at it that day.

Q: Then how can you tell us the exact date it was born on and can't tell us the exact date today is? A: I looked at the almanac afterwards.

Q: How long afterwards? A: The next day.

Q: What did you do that for? A: Because I wanted to see what time it was born.

Q: What day was it you looked at the almanac? A: I think it was on Sunday.

Q: What day of the month was it? A: On the 27th.

Q: That you looked at the almanac? A: On the 28th.

Q: How many more days were there on that calendar for that month? A: Well, I couldn't exactly tell you.

Q: You didn't look at it hard enough to state whether there were any more or not?

A: Yes of course I knew there was some more.

Q: I will ask you to look at this calendar Auntie, that is for this year 1906, do you know what date that is?

A: That is the first day of the week, Monday.

Q: What day is that? A: Tuesday.

Q: Tuesday what date of the month? A: The 2nd.

Q: What day is that? A: That is the 27th.

Q: What month is that I am showing you? A: That is January.

Q: What month is this? A: February.

Q: What year? A: 1906.

Q: What day is that? A: That is the first day of the week.

Q: What date is this? A: That is the 27th.

Q: What day of the week? A: Tuesday.

Q: What date is this? A: The 28th.

Q: 28th. of what? A: 28 of February.

Q: How many more days are in that month? A: There ain't any.

Q: None at all? Yet you looked at it on that day and you remembered it because you looked at it and you said there were more days but didn't know how many? A: There is 28.

Q: You said you looked at it on the 28th. in order to tell what date the day before was and that is the only way you can tell the child was born on the 27th. and you say there were a few more days after the 28th. but don't know how many more there were? A: Yes sir.

Q: Don't you know you didn't look at the calendar like you are now? A: The baby was born on the 27th.

Q: That is the only thing you are sure of isn't it?

A: Yes sir.

Q: You are not sure that February only has 28 days even after looking at it? A: No sir.

Q: This is an honest calendar and that is a fact and we knew before you began talking that February had only 28 days but the only way you remember the 27th. was because you are an ignorant woman and don't know your own age or what today is, the only way you remember it is the 27th. is because you took the calendar and looked at it on the 28th. and still you thought there were more days than the 28, how do you explain that, tell the truth about it, we want the truth. (No answer)

Q: Now suppose that child was born today, I will ask you to take that calendar and run over it and tell what date it is? I will help you that much and turn to the month, now tell us what date it is? A: The 24th. ain't it?

Q: Do you know whether it is or not? A: Well, I think it is.

Q: Was anybody else present in the room when this child was born besides you and the woman? A: Yes sir.

Q: Who else? A: A woman by the name of Silla Hawkins and Betsy I forget her other name.

Q: A woman by the name of Betsy? Are either of them here today

- A: No sir.
Q: Anybody else? A: Mariah another woman by the name of Miriah.
Q: Mariah who? A: I don't know her other name.
Q: Did they all live out ther by you? A: Yes Bessie lives in Coweta.
Q: Was any more than that there? A: No sir.
Q: Are you a professional mid-wife, do you wait on lots of peo people? A: No sir.
Q: Have you waited on any other children this year? A: No sir.
Q: Didn't you buy any medicine for this child or didn't they? A: No sir, I never bought any that I know of.
Q: You don't know whether you did or not, do you?
A: No sir, not as I know of.
Q: Didn't give the child anything or the mother? A: No sir.

Questions by L.M. Mott, attorney for Creek Nation.

- Q: Who lives near this girl besides you? A: Her father.
Q: Those I mean who are no kin to her? A: Well Maggie Donaldson and her family.
Q: Who else? A: Well that is al the colored people who live there, there is a goed many white people living there.
Q: Who is a white man living close to her?
A: There is a white man lives close to her named Thomas, he has lately moved there.
Q: Who ~~lived~~ lived there close to the time the child was born, what white people? A: Wel a man by the name of Al Driden.
Q: Any more? A: Mr. Wars.
Q: Did this girl come by for you to come down here today?
A: Yes sir as I was her doctor.
Q: When did she come to you? A: Sunday.
Q: What did she say? A: She wanted me to go with her and say I was the mid-wife.
Q: What did she say about the time being out or nearly out or anything? A: She said she wanted to go and put in for her baby.
Q: Did she say anything about the time being nearly out?
A: If she did, I don't remember it.
Q: Did she tell you what day she wanted to come? A: Yes sir she said Sunday but I couldn't get ready.
Q: Did she ask you if you remembered what date the child was born on?
A: No sir, she didn't ask me that.
Q: Never has asked you anything about that? A: Yes she has since but not Sunday.
Q: What has she said since? A: She asked if I remembered what day after that, after Sunday and I told her on the 27th. and she said that is the way she remembers it to.
Q: Do you swear positively that you told her the 27th. of February before she told you a thing? A: Well she asked me, do I remember the date the baby was born and I said why on the 27th. and she said that is the day, and I ought to know you know.
Q: Did she ask you, did you remember the date, did she ask you what date the child was born on?
A: She said did I remember.
Q: And you told her the 27th? A: Yes sir.
Q: Then what did she say? A: She said that is the way it was.
Q: This eldest child she has, she wasn't married to the father of that child? A: No sir.
Q: That is what we call an illegitimate child, she didn't go and get married right after that ~~an~~ illegitimate child was born, did she? A: I don't know.

- Q: You certainly ought to know something about it living right close to home. A: I wasn't acquainted with the girl at that time. You see I was just lately come in here.
- Q: How long? A: About 5 years but I been acquainted with this girl a little over 3 years.
- Q: Well this boy ain't over three years old? A: No sir.
- Q: Then you were acquainted with her at the time the child was born? A: Yes sir.
- Q: How old was the first baby when she married the father of this child? A: I didn't notice what age that child was when she was married, I didn't count up that child's age I just couldn't tell you.
- Q: You know she is married to the father of this child ain't she? A: She said so, I wasn't to the marriage.
- Q: You heard she was? A: Yes sir.
- Q: Did you hear about it at the time she was married? A: Yes sir.
- Q: So the time of the marriage you know don't you? A: Yes sir so they said, that she was married.
- Q: Heard about the wedding day didn't you? A: I heard it was going to be.
- Q: How long after that before this child was born? A: I couldn't tell you, I never counted that up that far. I couldn't tell you that.

Letka Levi, recalled, testified as follows:

- Q: Were you married by a preacher? A: Yes sir.
- Q: Did you get a license? A: Yes sir.
- Q: Have you that license with you? A: No sir.
(You must furnish this office with a certified copy of that marriage license and also bring Joe Hawkins in here with that book.

Jennie Nelson, recalled, testified as follows:

- Q: Who pays you for coming down here? A: I pays my own way.
- Q: Do you expect her to pay you back? A: I guess she will pay me some day or other.
- Q: What did she say about it? A: She said she would pay me when she got able.
- Q: How much will she pay you? A: Well I never particularly stated a price, she said she would pay what it was worth.
- Q: How much did she pay you for your services as mid-wife? A: \$5.00.
- Q: Pretty steep for a few hours work ain't it? A: It might be steep for some but it is worth that.
- Q: How long were you at the house there? A: At her house 3 or 4 hours I reckon, I never particularly looked at the watch to see what time it was.
- Q: Did she pay you before you left that day? A: No sir.
- Q: When did she pay you? A: She paid me 2 or 3 weeks afterwards.
- Q: Two or three weeks after it was born? A: Yes sir.
- Q: You didn't give her a receipt did you? A: No sir.
- Q: Didn't have any writing about that money at all did you? A: No sir.

Questions by L.M.Mott:

- Q: Was anything said about giving you any money for coming down here? A: No sir, if there was I don't remember.
- Q: Would she give you Fifty or a hundred dollars or what? A: Oh no sir.
- (After signing her affidavit, she states that is the best I can write)

- Q: Were you the mid-wife when the other child was born?
A: Yes sir.
Q: When was that child born? A: Almond, it was born I believe it was year before last.
Q: Can you give me the date and month? A: No sir, I forget that I didn't have that on my mind.
Q: Didn't you look at a calendar at that time? A: No sir I don't know as I did.
Q: You swore to the exact date of his birth in an affidavit here before haven't you? A: Yes sir I reckon so.
Q: Did you at that time know that it was the true date of birth? A: Yes sir, I tried to.
Q: Do you know whether that was the correct date?
A: Yes sir, if I swore, I certainly swore to the exact date.
Q: You don't remember whether you swore or not, do you? A: I don't remember of coming here.
Q: Do you remember of swearing today? A: I remember the meeting at Coweta.
Q: You don't know the officers name? A: No sir.
Q: Do you remember of going before the Notary Public at Coweta? A: Yes sir, but I don't remember his name.
Q: Do you remember whether you swore to the date when the child was born? A: Yes, I remember of telling how old the baby was at that time but I can't remember it now because I haven't got it on my mind.
Q: How did you get these dates on your mind, by somebody telling you? A: No sir, I know a few things.
Q: Did you have to have your mind refreshed every time you swear about the child? A: I have to consolidate what time.
Q: How do you do that? A: I count back and count what time I was there with that woman and that brings my mind together of course a person not feeling right and such things they can't keep that on their mind, I can't.
Q: Is that child Almond living? A: Yes sir.
Q: When did you see him last? A: This morning.

Letka Levi, being first duly sworn testified as follows:

- Q: Did you take any medicine of any kind on the day the child was born or shortly afterwards? A: No sir, I didn't take any medicine.
Q: Although you were sick for 6 weeks you didn't take any medicine? A: No sir.
Q: Was anything given to the child on the day it was born?
A: No sir, not on the day it was born.
Q: Was anything given to it the next day? A: Yes sir.
Q: What? A: Tea.
Q: Did you buy that? A: Yes sir.
Q: Who bought it? A: My uncle.
Q: What is his name? A: Johnny Overton.
Q: Where did he buy it? A: In Coweta.
Q: What is the name of the place? A: I don't know the name of the place.
Q: Was it a drug store? A: Yes sir.
Q: Did he pay for it? A: Yes sir, he paid for it.
Q: Then did you buy anything else? A: I don't know sir, whether he bought anything besides that or not.
Q: Did you give the child anything besides that tea you say he bought? A: No sir.
Q: What kind of tea was it? A: Catnip tea.

I, Julia G. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia G. Laval.

Subscribed and sworn to before
me this 1 day of August, 1906.

W. H. Haines
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Eddie Levi as a Creek freedman.

DECISION.

The record in this case shows that on July 24, 1906, Letha Levi appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Eddie Levi, as a Creek freedman.

It appears from the evidence that the said applicant is the child of Letha Levi, whose name appears upon the partial roll of Creek freedmen approved by the Secretary of the Interior, March 13, 1902, opposite number 2348 thereof, and of William Levi.

The evidence as to the date of the birth of the child is extremely unsatisfactory. The only witnesses were the mother and a midwife, and while they both swore that the child was born February 27, 1906, there are many circumstances which tend to show that their testimony in that regard was false. Among these circumstances are the facts that the child, which was present at the time of the examination, appeared to be much younger than was testified; that application for its enrollment was not made until the last day upon which applications could be received under the Act of April 26, 1906; that neither of the witnesses could say how old the child was; that the mother swore that a week after the child's birth, her husband or father wrote in the family Bible, "Eddie Levi, born February 27, 1906", and that the mother also testified that the baby was never named until the month of June, 1906; also the fact that the mother was notified that she must have her father bring in the family Bible to show the entry and to testify, and promised to do so, but said father has never appeared and no further testimony has ever been offered. It is therefore believed that an affirmative finding that the applicant was born prior to March 4, 1906 would not be justified by the evidence.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Eddie Levi as a Creek freedman, and the application for his enrollment as such is, accordingly, denied.

Commissioner.

Muskogee, Indian Territory,

JAN 25 1907

NY 387

Muskogee, Indian Territory, January 28, 1907.

Letha Levi,
Care of William Levi,
Coweta, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Eddie Levi as a Creek freedman, denying said application.

The decision, with a copy of the proceedings in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Register.

Commissioner.

Inc. CM-28-27

HHF 387

Muskogee, Indian Territory, January 26, 1907.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Eddie Levi as a Creek freedman, denying said application.

The decision, with a copy of the proceedings in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Very respectfully,

Commissioner.

CM-28-28

WHP 227

Muskogee, Indian Territory, January 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Eddie Levi as a Creek freedman, including the decision of the Commissioner dated January 25, 1907.

Very respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Inc. CM-28-29

Refer in reply to the following:
Land 10237-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. February 25, 1907.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 28, 1907, transmitting the record relative to the application of Eddie Levi for enrollment as a Creek freedman.

On July 24, 1906, application was made to the Commissioner for the enrollment of Eddie Levi as a Creek freedman.

On January 25, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant was born subsequent to March 4, 1906.

In view of the provisions of Section 2 of the Act of April 26, 1906 (34 Stat. L. 137), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H.R.D. - NL

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS

JP
FHE

March 1, 1907.

I.T.D. 4889, 4890, 4904, 4905, 4962-07.
4964, 5082, 5166, 5202, 5328- "
5342, 5374, 5376, 5378, 5380- "
5394, 5398, 5400, 5402, 5404- "
5418, 5419, 5418, 5424, 5428- "
5466, 5488, 5498, 5548, - "

D.C. 12430, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Rhoda Walker,	December 19, 1906
Josiah McIntosh,	January 18, 1907
Tony Harlings,	January 18, 1907
George Allen (Freedman)	January 28, 1907
Henry Edwards, (Freedman)	January 28, 1907
Lewis Davis, deceased,	January 28, 1907
Robert Scott, deceased,	October 19, 1906
Tom and Mattie Jeffries, deceased,	February 8, 1907
Euna Dodge, (Freedman)	February 8, 1907
Georgia Davis, deceased, (Freedman)	February 7, 1907
Thelma Hand Gibson,	February 7, 1907
Magie Fela Fee, (Freedman)	January 28, 1907
Nelson McIntosh	January 19, 1907
Calley Caesar, deceased,	January 28, 1907
Sarah Buck, deceased,	January 28, 1907
Villie Perryman, (Freedman)	January 28, 1907
Joshua Gentry et al ,	January 28, 1907
Dennis Taylor, (Freedman)	January 22, 1907
Paul and Pauline Bruner,	January 28, 1907
Gennie Sanders, (Freedman)	January 28, 1907
Raddie Levi, (Freedman)	January 28, 1907
Gabriel Watkins, (Freedman)	January 28, 1907

Title of case.	Date of your letter of transmittal.
Lettie Dickson, (Freedman)	January 22, 1907
Charles Tiger, deceased,	January 29, 1907
Herford Barnett, deceased,	January 28, 1907
Coburn Holt, (Freedman)	February 7, 1907
Marguerite Scott, deceased, (Freedman)	January 31, 1907

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jennie E. Wilson,

Assistant Secretary.

27 inc. and 61 for Ind. Of.

APMc
3-1-07

Cr. En. 1047.
NEW 327.

Muskogee, Indian Territory, March 4, 1907.

Isitha Levi,

General Delivery,

Muskogee, Indian Territory.

Dear Madam:

February 8, 1907, your letter of February 1, 1907, to the Secretary of the Interior relative to the right of your child, Eddie Levi, to enrollment as a Creek Freedman, and particularly with reference to the date of his birth, was referred to this office for consideration and appropriate action.

January 28, 1907, you were furnished with a copy of the Commissioner's decision and notified that you will be advised of the final decision of the Secretary of the Interior, as soon as this office was informed of the same.

You are now advised that this case is still pending before the Department, and as soon as the Commissioner is informed of the action of the Secretary, you will be duly notified.

Respectfully,

Commissioner.

Gr. En. 1047

JW:

Muskogee, Indian Territory, March 8, 1907.

Letha Levi,

X Willie Levi,

Coweta, Indian Territory.

Dear Madam :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Eddie Levi, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1048

CR EN 1048

*Make & check entry
file in En 1048*

Muskogee, Indian Territory, August 13, 1906.

GDR

The Honorable,

The Secretary of the Interior.

Sir:

The records in the possession of this office show that application was made to the Commission to the Five Civilized Tribes, under the act of June 10, 1896 (29 Stats. L. 321), for the admission of James R. Berryhill, his wife Theodosia E. Berryhill, and their children, Lavinia E., Marion C. and Ada M. Berryhill to citizenship in the Creek Nation as citizens by blood; that decision was rendered by said Commission denying said application and said decision was sustained by judgment of the United States Court on appeal. The names of these persons appear on Creek census card No. 3042.

It is not contended by applicants nor does it appear from the records of this office that the names of said applicants, or any of them, are listed upon any of the authenticated tribal rolls of the Creek Nation.

There is inclosed herewith for Departmental consideration motion to reopen said cause filed with this office March 3, 1906.

The statements set forth in said motion as grounds for rehearing are similar in every material respect to the contentions of applicants in the consolidated Creek cases of Theodore Berryhill, et al., Mary Ann Snyder, et al., and Peter Snyder, et al. and in the adjudication of this matter the attention of the Department is respectfully invited to report of the Commissioner in said cases under date of August 9, 1906.

In view of the facts in the case and of the law as set out in said report, I am of the opinion that the applicants included in the case of James R. Berryhill, et al. and none of them are entitled to be enrolled as citizens of the Creek Nation and respectfully recommend that said motion to reopen be denied.

Respectfully,

(Signed) Tams Bixby,

Commissioner.

Through the Commissioner
of Indian Affairs.

AG-O

Refer in reply to the following
Land 23489 1906
72348-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
WASHINGTON. October 3, 1906

The Honorable,

The Secretary of the Interior

Sir:

Referring to Department letter of March 14, 1906, I.T.D. 3886, there is enclosed a report from the Commissioner to the Five Civilized Tribes, saying that the records in possession of his office show that application was made to the Commission to the Five Civilized Tribes under the Act of June 10, 1896 (39 Stats., 321), for the admission of James R. Berryhill, his wife, Theodosia E. Berryhill, and their children, Lavinia E. Marion C. and Ada M. Berryhill, to citizenship in the Creek Nation as citizens by blood; that decision was rendered by the Commission denying the application; and that said decision was sustained by the United States court on appeal.

He further reports that it is not contended by the applicants and does not appear from the records of his office that any of their names are listed on any of the authenticated tribal rolls of the Creek Nation.

He transmitted for Departmental consideration a motion to reopen the case.

Mr Bixby expresses the opinion that these applicants are not entitled to enrollment and recommends that the motion to reopen be denied.

As the names of the applicants are not found on any of the tribal rolls in the possession of the Commission, and as the decision of the court under the Act of June 10, 1896 adverse to them, is final, the Office concurs in the Commissioner's recommendation that the motion be denied.

The record is enclosed.

Very respectfully

C F Larrabee
Acting Commissioner

GAW GH

Make remittance for this Agency
payable to

W. M. BAKER, Cashier

L. O. 56579

JUL 28 9-14-14 Department of the Interior.

Enrollment record

in cases of James

R. Berryhill, et al.

United States Indian Service.

GENERAL OFFICE OF SUPERINTENDENT
FOR THE FIVE CIVILIZED TRIBES

Consolidated Offices of

Union Agency and

Commissioner to the Five Civilized Tribes

DANA H. KELSEY

Supervisor in Charge

Local Offices:

Viatta.
Jay.
Nowata.
Sapulpa.
Okmulgee.
Muskogee.
Tahlequah.
Sallisaw.
Pottaw.
Mabel.
Haga.
McAlester.
Holdenville.
Atoka.
Madill.
Ardmore.
Chickasha.
Pawnee Valley.

Mr. J. J. Jones,
Sapulpa, Oklahoma.

Muskogee, Oklahoma, September 14, 1914.

Sir:

Receipt is acknowledged of your letter of September 6, 1914, wherein you request to be furnished with certified copy of some records and evidence presented in support of the enrollment of James R. Berryhill, Theodocia Berryhill and Charlotte Quarles whose applications were made and rejected.

In reply thereto you are advised that it does not appear from the records of this office that the above named persons have been enrolled or admitted to citizenship in the Creek Nation. I do find, however, that on July 29, 1896, application was made to the Citizenship Commission of the Creek Nation for the enrollment of Theodocia Berryhill for herself and three children, and by Maria Quarels for herself and children. The case was tried by said Commission and the applications denied on August 10, 1896, the reason given being that the evidence was not sufficient to sustain the claim for citizenship by blood. The case was appealed to the United States Court in the Indian Territory, Northern District, which affirmed the judgment of the United States Commission rejecting the applica-

J. J. Jones --2.

tions of the claimants to be enrolled as citizens of the Creek Nation.

A certified copy of the decision of the court, as on file in this office, can be furnished you for a prescribed fee of \$2.75, or certified copies of affidavits in support of the application of these persons can be furnished at the rate of 10 cents per 100 words. Certified copies of the entire record filed in this case will probably cost in the neighborhood of \$15.00.

Respectfully,

Dana H. Kelley
Supervisor in Charge.

CR EN 1049

CR EN 1049

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY.
JULY 19, 1906.

In the matter of the application for the enrollment of Beatrice Washington, as a Creek Freedman.

Laura Washington, being duly sworn, testified as follows:

- Q What is your name? A Laura Washington.
Q What is your age? A 32.
Q What is your post office address. Muskogee.
Q What is your street number? A 325 North 7th Street.
Q You have in the affidavit here your address as Room 25, Missouri Building? A Oh, that was where the application was wrote out.
Q Are you a citizen of the Creek Nation? A I am a Cherokee.
Q You are enrolled as a Cherokee? A Yes sir. They are just putting my application through, Mr. Hastings is tending to it.

Witness presents an affidavit of herself and Ida Davis the midwife, relative to the birth of Beatrice Washington.

- Q Have you a child named Beatrice Washington? A Yes sir.
Q Where is she? A Its dead, it died the 28th of March, this last gone March, 1906.
Q How old was it when it died? A About four years old.
Q Was it over four or under four? A It was four, born in 1902.
Q Was it four years old or less than four? A It was four years old the 25th of September, its birthday comes on September. She was born the 25th of September.
Q I will ask you again --well now there is no use in your laughing or smiling, I am asking you a plain question. I asked you whether it was over four years old or under four years old?
A She was born the 25th of September.
Q How old was she when ~~it~~ she died? A I can't have the exact date, ~~it~~ I can't tell when she ~~ix~~ how old she was, she died the 28th day of March --this last March, 1906, and was born the 25th of September.
Q What day of the week did she die? A Thursday, between 4 and 5 o'clock.
Q Can't you tell us exactly whether she was four years or three years old? A She was four years old last September, and would have been five years old this coming September if she had lived.

The 28th day of March, 1906, falls on Wednesday as shown by the calendar.

- Q Where did the child die? A Six miles and something west of Inola at my sister's-in-law's.
Q Did you have an undertaker? A Yes sir, we had a man, I don't know what the man's name was. We just come out here to go right back, and they told us they wasn't taking on children at that age, but before we went back I lost my baby.
Q And you say you just came out here to go right back, and the child died out here? A Yes sir. The child died out here.
Q What did you say was the name of the undertaker that buried your child? A I don't know. We just came out here.
Q Had you got to Inola before the child died? A A Yes sir.

Q How long had you been there? A Been there about three or four months. We just came in and out of the Territory, I was trying to get myself enrolled, and my child was born the 25th of September, and when I got well I went back to Kansas City, and sister wrote for us to come back, and we came back and my baby took sick and died.

Q How long were you in Kansas City? A I been there about 6 or 7 years, that is where I reside at, before that I was at Washington? I just come in and out of the Territory.

Q How long has your child been dead, how many months or days? A The 28th day of this month will be four months.

Q Who buried the child? A I don't know his name, but I will get the gentleman's name from my sister-in-law. The colored people out there do their own burying, they make their own coffins. I have a record too.

Q You don't know who buried the child? A No sir.

Q Do you know who made the coffin? A No sir.

Q Don't know who he was? A No sir, they were all strangers to me. I don't know.

Q You don't know who buried your own child, still you can tell the exact date of the birth and death of your child? A It died out at Sam Lewis' house.

Q Near Inola? A Yes sir, about six miles from Inola.

Q What is the name of the midwife? A Ida Davis.

Q Who else was present when the child was born? A Viney Morris was there----

Q Your sister-in-law? A Yes sir.

Q Anybody else? A No sir.

Q Who was present when the child died? A My sister-in-law and Fanny Harrison, Ida Davis, and several strangers were there when the child died.

Q Did you have a doctor when this child died? A No sir, sister just made tea and things like that for her.

Q What did the child die of? A She was suffering with bowel complaint and things like that.

Q I will ask you again how old was this child when it died? A Four years old.

Q You are sure it was four years old? A Yes sir.

Q You are sure it was as old as four years? A Up to September 25th, it was born 1902, it will be exactly even four.

Q Why did you say a while ago it would be five years this coming September. A Well, I thought it would be five, I hadn't counted it up. It will be four years this coming September.

Q The only thing you know is the exact date of its birth and death? A Yes sir.

Q But you said a while ago that it would be five next September? A I hadn't counted it up. I aint no scholar.

Q Do you know the nature of an oath? A I thought you had to swear to the truth.

Q Do you what would happen to you if you swore to a lie?

A I know it is against the law to swear to something not true.

Q And realizing all that you state these things? A I am telling you the truth as near as I can come at it.

Q These questions I am asking you are x not very hard, that is not a hard question when I ask you how old the child was when it died? A We got it set down, born September 1902, and died March 28, 1906.

Q Who wrote it down? A I wrote it myself.

Q With a pen or pencil? A I wrote it with an indelible pencil.

Q What kind of a book. A Just a little book, we have n't any Bible and so wrote it down in a book.

Q What is the name of the father of the child? A Walter Washington.

Q What is the name of his father? A I don't know sir.

Q What is the name of his mother? A Judy Washington.

Q Did you ever have any other children by him? A Yes sir, Geneva Marie Washington.

Q How old is she? A She was fourteen months old.

Q When was she born? A She was born in September, 1904, on the 10th day.

Q When did she die? A She died in December, 1906. On the 20th day.

Q You don't mean 1906, do you, that time hasn't come yet?

A Isn't this 1906.

Q Yes it is 1906, but it isn't December yet? A She died in 1905.

Q Did you write it down anywhere, the date of her birth and death? A Yes sir, I put it down like I do all my other children.

Q Did you write it on the same page as this one? A Yes sir.

Q And wrote that with an indelible pencil? A Yes sir.

Q Why didn't you apply for Beatrice when you applied for Geneva Marie? A Why didn't I apply for her too? They told me they was just taking on new borns, and I didn't consider her a new-born, they told me that only was taking the 1904 babies and Beatrice was born in 1902.

Q When did you apply for Geneva Marie? A I applied for her lets see- I am not sure, but I think it was in February, 1902, we came here in February, we came up here in 1905, and I think it was in February, close about there.

Q Now when you came up here to apply for Geneva Marie, was your child Beatrice living then? A Yes sir.

Q Why didn't you apply for her? A They told us they were just taking on new borns, Geneva was a 1904 baby, and they were taking on children at her age. I didn't think Beatrice was a new born, because she was born 1902.

Q Nobody told you they were just taking on 1904 babies? A That is just what they told us.

Q Who told you that? A My sister and all of them that had babies to put on.

Q Now isn't it a fact the reason that you didn't apply for Beatrice Washington was, she wasn't living at that time?

A Yes sir, she was living.

The records of this office show an application was made for the enrollment of the applicant's child, Geneva Marie Washington, March 22, and April 4, 1905.

Q What day of the week was Beatrice born? A She was born on Thursday.

-----oOo-----

Ida Davis, being duly sworn, testified as follows:

Q What is your name? A Ida Davis. Ida Johnson it is on these books, but since I married, it is Ida Davis.

Q What is your age? A I don't know how old I am.

Q Well about how old? A I reckon about--betwixt 35 and 36.

Q Couldn't you be as little as thirty? A I reckon I can and I can be as much as forty too. I don't know my age exactly.

- Q What is your post office address? A Muskogee.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q Where do you live? A Live right here in Muskogee.
- Q How long have you lived here? A I have been right about 7 or 8 years, backwards and forwards about that time, traveling.
- Q Where have been? A Over in the Cherokee Nation and about.
- Q Have you ever been in Inola? A Yes sir, I have been over and about Inola.
- Q What is your business, what do you do for a living?
- A I doctor when I have calls from the colored people.
- Q Do you know Laura Washington? A Yes sir.
- Q Do you know her husband? A Yes sir.
- Q Is he a citizen of the Creek Nation? A Yes sir.
- Q Is she? A No sir, she is not.
- Q Were you present when their child was born? A Yes sir.
- Q When was that? A Between four and five years ago.
- Q Do you know the date of its birth? A Along in 1902.
- Q What month and what day? A It was born along in 1902, in about December, if I make no mistake, along about the 30th if I mistake not, but I think that is just about when her baby was born.
- Q Do you know what it is to swear, the nature of an oath?
- A Yes sir.
- Q Do you know that if you swear falsely you are liable to imprisonment? A Yes sir.
- Q Then do you mean to say that you swore and signed an affidavit before Floyd Hines, a Notary Public, in which ~~it~~ affidavit it is stated that the child was born September, 1906? A If I make no mistake the child was born 1902, I don't exactly what date.
- Q You swore before Floyd Hines a Notary Public, to an affidavit saying the child was born September 25, 1906, you swore to an impossibility? A I didn't swear to anything like that.
- Q Did he read it to you? A No sir? After Miss Laura signed it he asked me to sign my name and I signed it.
- Q He didn't read it to you? A No sir.
- Q Did he ~~read~~ say this to you: I, Ida Davis, a midwife, on oath state that I attended on Laura Washington, wife of Walter Washington, on the 25th day of September, 1906; that there was born to her on said ~~child~~ a female child, and that said child was living March 4, 1906, and is said to have been named Beatrice Washington? A He never read that to me, I know the child's name alright, but he didn't read it to me.
- Q But you signed it? A Yes sir, he asked me to sign after Miss Laura had signed, but he never read it to me.
- Q Did you read it? A No sir.
- Q Can't you read? A Yes sir, a little.
- Q Don't you know better than to sign anything that you don't know anything about? A Well I thought he was getting it right.
- Q Don't you know better than to sign anything before reading it? A Well I thought it was right the reason he asked me to sign my name.
- Q You don't know the exact date ~~of~~ or month the child was born?
- A No sir, I don't know what date the child was born.
- Q Is that child living? A No sir, it is dead.
- Q When did it die? A I don't know sir. I don't know the date or the month.
- Q About how long ago? A I don't know, cause I wasn't there when it died. The child died when I was at Redbird, but I heard of it dying.
- Q You weren't present? A No sir

Q Then when Laura Washington swore that you were present when the child died, she swore to something that was not true?

A I am not going to swear to anything that is not true, I wasn't there cause I was at Redbird, and if she said I was there she was mistaken.

Q You heard of the child's death didn't you? A Yes sir.

Q Did you hear that it had died last year or this year.

A I didn't keep count, I suppose it died last year.

Q From what you heard about the date of the death of the child about what time do you think it died? A I don't know when the child died.

Q Did you see Laura Washington anytime early this year?

A Yes sir, off and on a long time.

Q Did she have this child in the first month of this year?

A Yes sir, I saw her in January and February.

Q Was the child with her then? A Yes sir. The child was with her then.

Q When you saw her the last time was this child alive?

A I saw her in February. I came up to this place, right here in this room and saw her, and the child was living then.

Q February of this year? A Yes sir, cause I came up here to attend to some business for myself and I came by there and the baby was living.

Q Now you must remember you are under oath and I want you to tell nothing but the truth? A I know, and that is what I want to do.

Q How old would that child be if it was living now? Would be going on five years old, it was born in 1902.

Q How old was it in February when you saw it? A It was going on five years old I guess, wouldn't be five until this coming fall.

-----oOo-----

Laura Washington, recalled, testified as follows:

Q Are you married to Walter Washington? A Yes sir.

Q Have you got your marriage license? A No sir.

Witness is advised that she must furnish this office with a certified copy of her marriage license.

Q Are you living with Walter Washington? A He is not here right now.

Q How long has he been gone? A Been gone nearly four months.

Q Are you separated from him? A He got into something and flew the coop.

Q Do you know what he got into? A Yes sir.

Q Well, what was it? A Why, making contracts or something like that that he didn't have with a gentleman over there by the name of A.J. Glendon, or something like that. Yes sir, I have been married to him quite a bit.

- Q Was this child living when he left you? A No sir, cause he left me in March.
- Q What time in March? A Now I don't know the exact date. But I know it was in March, along about the last of March.
- Q About what time? A I guess about the 30th of March, I don't know the exact date.
- Q Can you tell me the name of the man he got into trouble with? A I think it is A.J. Glendon, a lawyer, he has his office over here. He loaned him some money on some cattle, and he didn't have the things he claimed to have and Mr. Glendon was going to give him some trouble and he got away.
- Q And the child was dead at that time? A Yes sir.
- Q How long had it been dead when he got away? A I don't know about 7 or 8 days or more, we had just back from the country and a few days afterwards he was trying to make a deal with Mr. Blackford, and he had some little money and went about his business.
- Q Which of your children died first, Geneva Marie or Beatrice? A Geneva died first, she died in 1905, the 20th day of December.
- Q How long did Geneva die before Beatrice, how many months or days or years? A One died in December and one died in March, the 28th---(counting on her fingers)----
- Q What time did your husband make that bill? A I don't know when it was Mr. Glendon can tell you about it he has his office over there.
- Q About what time in the year 1905 did he make that contract with Mr. Glendon, was it in the spring? A It was getting kinder later on.
- Q Was it in the winter? A Not exactly.
- Q Fall? A Yes sir like fall between three and four weeks before Geneva died, she was very sick, teething and having bowel complaint. Beatrice died out in the country at her aunts.
- Q What is that aunt's name? A Viney Morris, my sister.
- Q Are you sure it died March 28? A Yes sir.
- Q When you go back home and look at the record, which you say you have, and find out that that you have been mistaken in the month-----isn't it possible that you might have been mistaken in the month? A No sir, it was March 28th, cause I set it down.
- Q If your husband left you sometime in March and this child had been dead as much as seven or eight after before he left, it couldn't have died the 28th day of March? A It died the 28th of March I know, cause I got it set down.
- Q If he left sometime in March, whether the last part or not and the child had been dead 7 or 8 days before he left, as you state, then the child couldn't have died the 28th? A I said she died the 28th of March, and that my husband left sometime in March, near or about the 30.
- Q You say the child had been dead 7 or 8 days before he left? A I know he left in March, and I am sure the child died the 28th.

Witness is advised that she should bring in this book, which she claims contains that entry about the death of this child, and she is further advised that if she can, to have the undertaker that buried that child, to come in.

- Q Did this Notary Publich Floyd Hines read this affidavit to you? A No sir.
- Q You didn't know what you were signing then, do you? A I thought I was signing an affidavit for this child.

Q Don't you know it is wrong to sign something you know nothing about? A I thought it was about the child, he questioned me closely and I told him when she died.

Q Did he read the affidavit to the midwife, Ida Davis?

A If he did, I never heard him.

Q Did he ask if the child was living March 4, 1906? A Yes sir, I said it was living cause I had it up in the Commissioner's office.

Q Did he tell you the child had to be living March 4, 1906, to be entitled to enrollment? A No sir, he didn't tell me that. He asked me if it was living March 4, and I said she was living up to the 28th of March. He asked me if it was living yet and I told him it was dead, and I told him she was living up to March 28th.

Q He didn't write it down that it died March 28th? A I don't know what he wrote down.

Q You don't know what he wrote down and yet you signed it. I suppose I was signing an affidavit about the baby.

Q And didn't know what you were signing? A No sir, I didn't know what was wrote on the paper.

Q How much did you pay him for those affidavits? A I don't how much he is going to charge me.

Q Did you promise him anything? A Well I---he told me ^{he wanted} to tell me him how much it was later on.

Q How long have you been living in Muskogee? A Going on two years--right steady, of course I went in and out of the country.

Q Where did this child die? A In the country, six miles and some quarters from Inola.

Q How far is Inola from here? A I don't know how far, but it takes 90 cents to carry you there.

Q Did you ~~find~~ ever go to Inola from here? A Yes sir, sometimes I went in a wagon and sometimes I went on the train--some call it six miles, but I don't know.

Q Did you ever have this child in Muskogee? A Yes sir, I had right up here in the Commissioners office, let alone in Muskogee.

Q Why didn't you apply for it? A Well because they told me they were just taking on new born babies.

Q Didn't you know this child was a new born baby? A I didn't think she was a new born child because she was born in 1902, and I heard they were just taking on 1904 babies. and they all told me the youngest baby was a new born.

Q You say they told you they only wanted 1904 babies? A Yes sir, and they told me they wouldn't take no other kind of children, cause I tried.

Q Who told you that? A I don't know sir who he was.

Q Now they never told you anything of the kind there is nobody here in the office to tell you that, because under the law we were instructed to take any babies after May 25, 1905; nobody who works for the Commission told you that, because I was in charge of the office then and I didn't tell anybody that they were taking in 1904 babies. If anybody told you that it was somebody on the outside. A I was told that just the same. We passed two or three tables, I think it in the room down there (indicating down the hall), and one gentlemen that was writing I says to him "Are they taking on grown children?" and he said "No, they were just taking on new born at the present time." Now that is just what he told me.

Q Why did you say a minute ago that they they told you they were just taking on 1904 babies? A Well because I asked the gentleman if they were taking on new born babies, and I thought

by that they were just taking on 1904 babies.

Q Was that all he said to you when you asked that gentleman?

A Yes sir, that was all, that they were just taking on 1904 babies.

Q Where was that man? A Right here in the office the man that said that, and somebody out in the hall told me about the 1904 babies.

Q Then you don't know whether that person out in the hall was working for the Commission or not? A I didn't know who he was he was in his shirt sleeves and bareheaded, I don't know anybody here but Mr. Bigsby, and I don't know whether that man was working here or not, I didn't know what he was doing.

Q How long after you came in here that time before your child Beatrice died? A I never count the months, it was in 1905, when I brought the baby in.

Q Was it as much as a month after that? A Yes sir.

Q Was it two months? A More than that.

Q Three months? A More than that.

Q Was it over a year? A Something over a year.

Q How much over a year? A I don't know how many months.

Q Can't you tell me what month it was when you were in here, when that person told you about the new born babies? A I think it was in April I believe, I don't know exactly when it was they were calling for new born babies.

Q What month do you think it was? A April or about or the last of February.

Q That isn't very close, can't you come any closer than that?

A I don't know exactly what date it was, it was the same day I was up here with the baby.

Q You don't know whether it was February or April, while you can tell exactly when the child was born and when it died?

A I know that, but I put that down, and I didn't keep count---- and I didn't put down the gentleman's conversation, I was trying to get Geneva enrolled----

Q You never told the gentleman in the room that you enrolled Geneva and wanted to enroll Beatrice? A I didn't tell him my object ~~in~~ for asking those questions.

Q Did you tell that man in the room that Geneva was enrolled, but that you wanted to enroll Beatrice? A No sir, they just told me that me about the new babies----

Q Who told you? A My sisters who had children to put on the same day we were here.

Q That is the reason you didn't say anything to the man who enrolled Geneva for you? A That was the reason, I just thought they put down children at certain ages. I didn't know.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merrick

Subscribed and sworn to before me this 14th day of July, 1906.

H. H. Harris

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JANUARY 25, 1907.

In the matter of the application for the enrollment
of Beatrice Washington, deceased, as a Creek Freedman.

APPEARANCES: J. P. Fransworth, representing M. L. Mott,
attorney for Creek Nation.
Ezra Brainard, Jr. Attorney for applicant.

Caroline Long, being first duly sworn by Henry G. Hains,
a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Caroline Long, now Farmer.
Q: What is your post-office address? A: Muskogee.
Q: Have you a house number? A: No sir.
Q: What is your age? A: I don't know my age exactly.
(Witness appears to be at least 45)
A: I am more than that I am past 50, something, but I don't
know exactly.
Q: Do you know Laura Washington? A: Yes sir.
Q: Where does she live? A: She lives down on South 6th. street,
Q: South Sixth Street? A: Yes sir.
Q: In this town? A: Yes sir, now she does.
Q: How long have you known her? A: I have known her a good
while.
Q: Have you known her as much as 5 years? A: Oh yes.
Q: And you live near her? A: No sir, I don't live near her
now.
Q: Is Laura Washington married? A: She has been married.
Q: What is the name of her husband? A: Walter Washington.
Q: Was he a Creek freedman or a state man? A: Well I think he
went for a Creek freedman, I guess.
Q: Do you know the name of his father? A: No, I don't know
the name of his father.
Q: Do you know the name of his mother? A: No.
Q: How do you know that he is a Creek freedman?
A: I don't know it, but that is what he says.
Q: Do you know whether Laura Washington is a citizen of the
Creek Nation or not? A: She is said to be.
Q: We have here an affidavit purporting to be made by Laura
Washington, in which she swears she is a citizen of the
United States, do you know anything about that?
A: No sir, I don't know whether she is that or not.
Q: Has Laura Washington any children? A: Yes, she has one at
home.
Q: What is its name? A: Leuvinia Washington.
Q: Do you know whether that child is enrolled in the Creek
Nation? A: No sir, I don't know whether it is or not.
Q: What is the name of the father of that child? A: Walter
Washington.

- Q: Was Leuvinia their oldest child, do you know? A: Well I don't know sir, which one is the oldest of the two.
- Q: What was the name of their next child?
- A: I don't know, I don't think it was Beatrice, I done forget the name of the next one. It is too hard to recollect.
- Q: Do you know if they had any other children than Leuvinia whom you spoke about and Beatrice? A: Yes, there was another one.
- Q: What was its name? A: That is the one I can't think of its name? Q: Was it a boy or girl?
- A: I think that is a boy that I misplaced its name. I can't think of its name now.

It appears from the records of the Commissioner that one Walter Washington is identified opposite Creek Freedman roll number 3079 and that there has been application made for the enrollment of a child by the name of Geneva Marie Washington, alleged to have been born to him and Laura Washington, a non citizen of the Creek Nation, and for the enrollment of Beatrice Washington born to the same parties, none such as Leuvinia Washington can be found on the rolls of the Creek Freedmen.

- Q: Were you present when this child Beatrice Washington was born? A: No sir.
- Q: Can you tell us when it was born? A: Yes sir, 1903, September is all I know.
- Q: September 1903? A: Yes sir.
- Q: Do you know what day in September she was born? A: No sir.
- Q: How do you know it was born in September 1903?
- A: That is what I was told that she was born in September 1903.
- Q: Did you ever see this child Beatrice Washington?
- A: Yes, I saw it when it was dead.
- Q: When was that you saw it dead? A: 1906.
- Q: What time? A: The 28th. day of March.
- Q: Did you ever see it living? A: Well it was sick when I was there and I went away and it was dead when I went back.
- Q: Can you swear that you ever saw this child Beatrice Washington alive? A: Yes sir.
- Q: When? A: The same year and the same day, 1906.
- Q: You saw it alive that day and then you saw it dead that same day? A: Yes sir.
- Q: Did you ever see it alive? A: Yes sir.
- Q: Did I understand you right when I understood you to say you saw it alive on that same day you saw it dead in 1906?
- A: Yes sir.
- Q: And then afterwards you saw it dead on that same day, is that right? A: Yes sir.
- Q: Did you ever see it alive any other time? A: Yes sir.
- Q: When? A: Before that in that same year.
- Q: Did you ever see it alive before that year? A: No, I don't believe I did before that year.
- Q: Do you see these people often-- this Laura Washington and Walter Washington? A: Sometimes I do and sometimes I don't.
- Q: You testified you knew them more than 5 years? A: Yes sir.
- Q: Were you present when this child Beatrice died? A: No sir I was there after it died.
- Q: How is it you can remember that you saw it dead on the 28th. day of March 1906---is there anything that helps your remember that day? A: Well by them saying it and by me knowing it was March 28, 1906.

- Q: What day is today, Auntie? A: Today is the 25th. of January
Q: What year? A: 1907.
Q: Do you know what day of the week it is? A: I reckon it is Friday.

Questions by Ezra Brainard, attorney for applicant.

- Q: Have you ever seen this book before? (Showing witness a book marked "Testament and Psalms.")
A: Yes sir.
Q: When did you first see that book? A: When a witness brought it in, I reckon it was Monday when a woman brought it in and gave it to me, I went down there on Monday.
Q: You saw this book last Monday for the first time, is that what you said? A: No that ain't the first time but the first time I saw it was before that.
Q: When was the first time you saw the book?
A: I saw the book before the child died, but I didn't look into it, I didn't search it.
Q: Where did you see it? A: At Inola.
Q: Where did you get this book? A: A lady brought it, she wrote for it and a lady gave it to me on the street to carry up here.
Q: When did she give it to you? A: Last Monday.
Q: She gave it to you to carry up here? A: Yes sir.
Q: She gave it to you to carry to whom? A: Laura Washington.
Q: Did you bring this book to Mr. Sheurmeyer? A: Yes sir.
Q: Can you read and write in the English language? A: A little not much.
Q: At the time the baby Beatrice died up there at Inola, do you remember of seeing Ida Davis there? A: No sir, she wasn't there that I seen her.
Q: Was Henrietta Hollands there? A: Yes sir.
Q: Were you there at the funeral? A: No sir, I didn't go to the funeral.

Questions by J. P. Farnsworth, attorney representing Creek Nation.

- Q: Where was it that Beatrice died? A: Inola, 6 miles out there to Inola.
Q: Did you live near to where she died? A: I was there at the time.
Q: Where do you live? A: I live in Muskogee now.
Q: How long were you in Inola? A: Oh I would just go there and stay sometimes a month or two and come back over here and go anywhere I want to.
Q: How long did you stay this trip? A: I think I was over there a month this time.
Q: By this trip I mean the time you were visiting Inola when this child died? A: Yes sir, about a month.
Q: Did they have a coffin made for this child?
A: Yes sir.
Q: Do you know whether it was a coffin bought from an undertaker or one some of the neighbors made?
A: One some of the neighbors made.
Q: How do you happen to remember so well the date of death of this child? A: Well when I was there and know, I don't know how you can remember it, you just remember it.
Q: You didn't write it down did you? A: No sir, I didn't write that down, I have got it in here. (Witness points to her head)

- Q: Is Laura Washington related to you? A: No sir she ain't any kin to me.
- Q: You are well acquainted with her however? A: Yes sir.
- Q: Did they have a doctor at the time the child was last sick?
- A: I didn't ask them that, the child wasn't dead when I got there.
- Q: Do you know how old this child was when it died?
- A: No, September 1903 to September 1906----I don't know I will haveto count a little bit.
- Q: Were you present when this child was born? A: No sir.
- Q: How do you happen to know that it was born in September 1903? A: Well when we go together, don't we ask the date of the children's ages and peoples ages, that is the way we find it out how old the children is.
- Q: Do you know on what day of the week the child died?
- A: I can't tell you right now unless I get the almanac and look but it was the 28th. day of March 1906.
- Q: Do you know where the parents of this child live at the present time? A: She lives here at South 6th. street.
- Q: Where does the father live? A: I don't know where he is now.
- Q: Do you know where this book that you refer to, called "Testament and Psalms" has been---in whose custody it has been for the last year or two?
- A: I don't know sir, it came from Inola.
- Q: But the mother has been living down here has she?
- A: Yes sir she left it up there.
- Q: Whom did she leave it with do you know? A: Aunt Viney Morris.
- Q: Have you got any children or grand-children?
- A: I have got one child, I don't know whether I have got any grand-children or not, I haven't seen any.
- Q: You are better posted in regard to your friends business than you are about your own, are you not?
- A: I am not up here for my business now.

Questions by Commissioner:

- Q: You say you know that this child died on the 28th. day of March 1906 because you have been told it and because you know it? A: Yes sir, I was there that day.
- Q: What day of the week was it? A: I don't know what day of the week it was.
- Q: Now how does it happen that you can remember the exact day of the month when this child died on when you saw it dead and you can't remember the day of the week it was?
- A: Sometimes I forgets.
- Q: Wouldn't you be likely then to have forgotten and made a mistake about the date of the month? A: No.
- Q: How long had you been there at Inola at the time you went and saw the child dead? A: About a month.
- Q: What day did you go to Inola, what was the date when you went up there? (No answer)
- Q: Do you remember anything else that happened while you were at Inola and give us the date of it, except seeing this dead child? A: No sir I ain't particular about remembering anything else.
- Q: Did you go to any funerals while you were in Inola at that time? A: No sir.
- Q: Did you see any children born while you were up there?
- A: No sir.

- Q: Do you know what month it was when you went to Inola?
A: I am just trying to remember, I don't remember but I was trying to remember.
Q: When did you leave Inola on that trip? A: I reckon about the 30th. day, I can't remember that only as we talked it over and that is the reason I remember it.
Q: 30th. day of what? A: Of March, 1906.
Q: How long was it after you saw this child dead before you left Inola?
A: It was about 3 days or the 4th. day.
Q: Can you tell us the names of anybody else who was present when that child was lying there dead?
A: No sir, nobody but Mrs. Hollands, she was there. There wasn't many in the house.
Q: Where was this child buried, do you know?
A: Inola.
Q: Who made the coffin? A: Benny Peas.
Q: Who dug the grave? A: I don't know.
Q: Did you go to the funeral? A: No sir..
Q: Do you know in what grave-yard the child was buried?
A: No sir.
Q: Do you know if there is any mark over the grave? A: No sir.
Q: Did you ever hear of a child of Walter and Laura Washington by the name of Geneva Marie Washington?
A: That is the name I think I forgot. I think that is the name I meant to call.
Q: Is that the name you meant when you said Leuvinia a while ago? A: No sir.
Q: That was another child was it? A: Yes sir, that is the name you called a while ago I think.
Q: How many children have these people really had to your knowledge, living or dead? A: Three.
Q: Well then if I understand you right, one is this Beatrice, one was Leuvinia you spoke of, and what was the name of the third one? A: I can't call that name.

Henrietta Hollands being first duly sworn by Henry G. Hains
a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Henrietta Hollands.
Q: What is your age? A: About 36 years old.
Q: What is your post-office address? A: Muskogee, I.T.
Q: About where do live in Muskogee? A: I live at Cooty's Creek on this side of Laura's field.
Q: Are there any streets out there? A: No sir, it is outside of the city limits.
Q: Do you know Laura Washington? A: Yes sir.
Q: Is she living? A: Yes sir.
Q: Where? A: Out here near the Midland Valley Valley.
Q: How long have you known her? A: About 4 years.
Q: Is she married? A: Yes sir.
Q: What is the name of her husband? A: Walter Washington.
Q: Do you know the name of Walter's father? A: I do not.
Q: Do you know the name of his mother? A: I do not.
Q: Do you know whether he is a citizen of the Creek Nation?
A: I do sir.

- Q: How do you know that if you don't know his parents?
A: I don't know his parents but I knows his sisters and brother in laws, and I know where his allotment is because I have been out there.
- Q: And you swear that he is married or was married to Laura Washington? A: I did not see them married but they lived as man and wife and their kin folks said they was married and that is all I know about the marriage point.
- Q: How long have you understood that they lived together as man and wife? A: Seven years.
- Q: Didn't you just tell us you knew them 4 years?
A: I said I heard they had been married about 7 years.
- Q: You don't know then? A: No, I don't know it.
- Q: Have you known these two people continuously right along without any long interruption for a period of 4 years?
A: Yes, I have known them for a period of 4 years.
- Q: Where is Walter Washington now, do you know?
A: I couldn't tell you.
- Q: How long since you have seen him? A: I haven't seen Walter since April, 1906.
- Q: April 1906? A: Yes sir.
- Q: Now tell me, if you know, the name of their two children, the first children that were ever born to them?
A: I don't know but two of their children, one was named Beatrice and one was named Geneva Marie Washington.
- Q: Which is the older of the two? A: Beatrice was the oldest that I know of.
- Q: Were you present when Beatrice was born? A: I was not present.
- Q: Did you ever see her alive? A: I saw her when she was about a week old.
- Q: Did you ever hear Walter Washington admit that this was his child? A: Yes sir.
- Q: When was Beatrice born, do you know? A: In 1903 I think.
- Q: Do you know what time? A: About the 14th. of September, I think it was. That is the time the mother said it was born, I wasn't there.
- Q: This child Beatrice, is it living? A: No sir.
- Q: Do you know how old it was when it died? A: I think the child would be about 3 years old now, somewheres close there.
- Q: Were you present when it died? A: I was.
- Q: Where did it die? A: 6 miles west of Inola, on this side of Neodesha.
- Q: At whose house did she die? A: At Viney Morris's.
- Q: When did she die? A: She died the 28th. of March.
- Q: What year? A: In 1906.
- Q: Were you living in Inola at that time? A: I was not sir, I was only out there visiting.
- Q: How long did you stay there? A: I stayed there a week.
- Q: What date did you get there on? A: I went there on the 27th. of March.
- Q: What day did you come back from there? A: I don't know the exact day I came back but I was there a week.
- Q: Did they have any doctor do you know during the last sickness of Beatrice? A: No sir, I don't know---when I was there they were just giving her some kind of Indian teas they called it.
- Q: Did you go to the funeral of Beatrice? A: Yes sir.
- Q: Where was she buried? A: On Viney Morris's land, they have a family grave-yard there.
- Q: Do you know if there was any head-board there?
A: They have some common rocks around the grave, just the common rocks that grows out there.

- Q: Is there any marks on those rocks about the death of this child? A: I didn't pay any attention to that.
- Q: Did they have any undertaker when Beatrice was buried?
- A: They only had a family burial. They had a wood coffin and carried it in a wagon there. It was a man they called Benny that carried it there, that is all I know.
- Q: Do you know whose wagon they used to carry it to the graveyard? A: Sam Morris's I think it was. It was the uncle of the child---the uncle in law.
- Q: Any kin to Viney Morris? A: Viney Morris's husband.

Questions by Ezra Brainard, attorney for applicant.

- Q: Have you ever seen this book before? (Exhibiting book entitled, "Testament and Psalms".) A: Yes sir.
- Q: Where have you seen it before? A: I seen it out at Viney's house.
- Q: Viney --whose house? A: Viney Morris.
- Q: Where does she live? A: On this side of Neodesha.
- Q: That is where you saw it? A: Yes sir.
- Q: When did you see it there? A: I saw it the day the baby was dead I was sitting right at the side of Laura when she wrote it.
- Q: Can you read and write? A: A little.
- Q: Do you think you could recognize Laura's hand-writing?
- A: Yes sir, she had corresponded with me in the country and also to Kansas City.
- Q: You saw her write it herself? A: Yes sir.
- Q: Did she write it on the day the child died? A: Yes sir. She wrote it the day the child died.
- Q: Was anybody else present at the time she wrote it?
- A: That old lady Carolina was there and Fannie was there and the kin folks.
- Q: Fannie who? A: Fannie Hall.

Questions by J. P. Farnsworth, attorney representing Creek Nation,

- Q: I will ask you to show me what writing you identified as hers? (Witness pointing to name)
- Q: Is that all? A: Well all of this is her writing. (Referring to the writing found on the opposite side of front page) (QUESTIONS BY COMMISSIONER).
- Q: Did she write this in here that is written with indelible pencil as well as the last entry that is written with ink?
- A: I don't know whether it is written with indelible pencil or not.
- Q: I can tell you, if you don't know it, that this is indelible pencil and this is ink. (Showing witness)
- Did she write all of this?
- A: I saw her put down this.
- Q: What do you mean by this? Can you read? Read it please what you mean you saw her write?
- A: "Beatrice Washington---I don't know what that word is.
- Q: Now is that all you saw her write---"Beatrice Washington" and that word you don't understand?
- A: That word, I don't understand. (Witness indicating)
- Q: Now did you see her write that next line: "Beatress Washington Born Feb. the 13, 1903?"
- A: I seen her write that up there but I didn't see her write that in ink, she had a lead pencil and was rubbing out something.
- Q: I will ask you to look at that writing with ink and tell me if that is her hand writing?

- A: That is the way she writes to me.
(The ink entry is as follows: "Batress Washington Dide March the 28, 1906.")
- Q: You didn't see her write that in ink? A: No sir.
- Q: Do you know when that was written in there, that ink entry?
- A: No sir.
- Q: Did you see her write this writing right above it, "Beatress Washington Born Feb. the 13, 1903."
- A: I did see her write that.
- Q: And all the rest above that you saw her write, did you?
- A: I seen her write this with that lead pencil and I don't know when she wrote this in there (indicating in book) but she had the book the day the baby died---she had this book that had writing in it, but whether it was in ink or not, I don't know, but I know that is the date the baby died.

Questions by Ezra Brainard, attorney for applicant.

- Q: She might have written that there in ink without you observing it, might she not? A: Yes sir.

Questions by Commissioner:

- Q: Now I will turn over a page and ask you to look at this writing on the second page in this book which reads as follows: "Kansas City, Mo.

Walter Washington

Batress Washington

Janever Moree Washington.

Batress Washington was born B feb the 13 1903.

Janever Moree Washington Was Born Sep. the 10, 1904, and she dide Dec. the 20, 1905 in Muskogee, I.T."

Do you know whether Laura Washington wrote that?

- A: No, I wasn't there when that was written.

- Q: I will ask you to look at this hand-writing and say whether it is her hand-writing or not? A: That is her hand-writing all right anyhow.

- Q: Do you know whether that writing was in the book at the time she wrote this other page? A: No, I don't know that.

- Q: This word Feb. on the first page about the birth of Batress there has been something erased, do you know how that happened? A: I do not.

- Q: Didn't you state a minute ago, that when you saw her write you saw her rub something out?

- A: The day it died I seen her rub something and rub something out, I have often seen her do that---she is not a good writer at all. I have some notes and letters that will show she done that.

- Q: When do you say that Beatrice was born? A: From what she told me she was born the 13 or 14 of September, I wasn't there. The child was a week old when I saw it.

- Q: Well if that is true, then according to your best recollection that it was born the 13th. day of September then this entry here about the birth which says it was born February 13, would be incorrect, wouldn't it? A: I know it was/

(Counsel for applicant object to examiner assuming that it is February--saying he will leave the book for inspection)

Questions by J. P. Farnsworth, representing Creek Nation.

- Q: How long had you been in Inola before this child died?
A: I went there on the 27th. Laura telephoned me and I went on the 27th. of March and the child died the next day after I was there, it was marked the 28th. of March.
Q: Did you see her make this record on the opposite side of the page? A: I saw her write up here on that book.
Q: On what day? A: On the 28th. day of March.
Q: What was she writing with? A: She was writing with a pencil----not pen and ink, it was a pencil.

Questions by Ezra Brainard, attorney for applicant.

- Q: Do you know where this book has been all the time?
A: I think it has been out to Fannie Morris's, that is where she left it before she came back.

Questions by Commissioner, asked Mr. Brainard:

- Q: Mr. Brainard how does it come that Laura herself is not a witness here? A: You might ask this witness, I don't know the condition.
Q: Have you tried to get her in here? A: I only know what Mr. Sheurmeyer told me, he said he had been out to see the woman and that she was pregnant with child birth.

This is all the evidence given in said cause.

(The Creek Nation requests that deeds in this case be not issued until it has an opportunity to investigate further.

Julia C. Laval being first duly sworn states that as Stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on January 25, 1907 and that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me
a Notary Public, this 29 day of January, 1907.

My Comm. Exp. Dec. 12, 1908

Oliver L. Hume
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 1, 1907.

IN THE MATTER of the application for the enrollment of
Beatrice Washington as a Creek Freedman.

APPEARANCES: Ezra Brainard Jr., attorney for applicant.

LAURA WASHINGTON, being first duly sworn by O. C. Hinkle,
Notary Public, testified as follows:

EXAMINATION

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A My name is now Laura Washington;
that is my second marriage, married a Creek ~~this last time~~.
- Q Have you a child named Beatrice Washington? A Yes sir.
- Q Who is the father of that child? A Walter Washington.
Have you made application to the Commissioner to the Five
Civilized Tribes to have Beatrice enrolled as a Creek
Freedman? A Yes sir.
- Q You have heretofore testified in that matter before the
Commissioner, haven't you? A Myself personally?
- Q Yes? A Yes sir.
- Q Are you the lawful wife of Walter Washington? A Yes sir.
- Q Where were you married to him? A I was married to him in
Kansas City, Missouri, at the court house, I believe.
- Q Do you know what county that is in? A I called it
Missouri county; is that right?
- Q Were you married by a preacher? A No sir, I was married
by an officer at the court house, - the clerk of the court.
- Q What was your name before you married Walter Washington?
A. Laura Taylor.
- Q Do you know what year you married him? A I think it was
in 1901, as near as I can remember, - in 1900, because now
I remember, 28th day of August as near as I can remember it.
- Q Have you ever seen this book (Showing witness New Testament)?
A Yes, many a time, - little old guide book I have to set down
our marriages and ages in.
- Q Have you ever seen that writing (indicating writing in the
first part of the book)? A. Yes sir, I did it, - I did
that writing every bit of it myself.
- Q When did you write the first part there, down to that line
first line? A. I wrote the birth of the child, - I just
wrote it along as I come across them. I wrote this all up

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here when I was in Kansas City.

- Q When did you write this down to the ink part?
A I wrote that, - I was trying to think of putting down all my children's ages. I wrote them all. I was going down to visit my husband's people, and so I just wrote the children's ages down as they come to me and I thought of it.
Q There is an entry here, immediately following the first line, and inside of the first back of the book, - the cover of the book, - reading:

"Beatrice Washington born
February 13, 1903".

- How long after the birth of Beatrice until you made that entry? A. Why, Beatrice was in the neighborhood of two years old, - you mean before the next?
Q Before you made this entry. How long after Beatrice was born before you wrote this in the book? A I never put in the date of it.
Q Do you really know how long, or how old Beatrice was, at the time you put this entry in here with reference to her birth? A. I just put it down there that she was born in 1903, on February 13th. I can't tell you.
Q How long after she was born before you put her age down?
A I don't know sir; I didn't keep a copy of the exact time.
Q About how long? A. About four or five months or something, I just kept the exact date of her birth. I can always remember the exact date of my children's ages. I do each of the children.
Q What is the name of your first child? A. Luvenia Taylor.
Q When was she born? A She was born in 1893, I think.
Luvenia is twelve years old now.

MR. BRAINARD: In 1893? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q What is the name of your next child? A. Willie Taylor.
Q When was he born? A He was born in the year, - he was born fourteen months after Luvenia.
Q What is the date of his birth? A He was born in September 11th.
Q Do you know what year? A. That was in the next year.
Q What is the name of your next child? A. Next child was Wilbert Taylor.
Q When was he born? A. Wilbert Taylor, he was, - they was one right behind the other. He was born in sixteen months after Wilbert was born.
Q Do you know what date? A. Yes, he was born in October.
Q What is the name of your next child? A My next child, she wasn't exactly named.
Q Was she born dead? A Yes sir.
Q When was she born? A She was born, I disremember, - right behind the other.

- Q Do you know what year she was born? A. Let me see, that was a mishappen, I didn't set it down there. Right shortly after the other one, - eight or nine months.
- Q What is the name of your next child? A. I call it Ida.
- Q What is the name of the next one? A I don't know how many you have. I had Luvenia, Evangeline, Beatrice, Eugenia, Wilbert, Willie, except them I haven't named.
- Q What child was born after the one born dead?
- A After the one was born dead?
- Q Yes? A. I was married then; I had changed my first husband.
- Q You were then married to Washington? A Yes sir.
- Q What is the name of the first child you had by Washington?
- A The name of the first child was Beatrice. Beatrice Washington was my oldest.
- Q What is the name of the next child? A Jeanerva Marie Washington.
- Q When was she born? A In 1904, on the 10th day of September.
- Q What is the name of the next child? A I didn't have nary nother one.
- Q When did Beatrice die? A She died in 1906, 28th day of March.
- Q You are ill at the present time, are you? A Yes sir.
- Q Confined to your bed? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

Further examination of the witness was discontinued on account of her physical condition.

(Witness dismissed).

I, S. T. Wright, stenographer to the Commissioner to the Five Civilized Tribes, on oath, state that I recorded the testimony and proceedings had in the above entitled cause on February 1, 1907, and that the above and foregoing is a true and correct transcript of my stenographic notes thereof taken on said date.

S. T. Wright

Subscribed and sworn to before me this February 2, 1907.

Oliver C. Smith

NOTARY PUBLIC.

State of Missouri, } ss.
COUNTY OF JACKSON.

I, FRANCIS D. ROSS, Recorder of Deeds within and for the County of Jackson aforesaid, do hereby

certify that the above and foregoing is a full, true and complete copy of the

Marriage License and Certificate of Marriage

acknowledgment and note of Record thereon

*of Walter Washington to
Laura Taylor.*

as the same appears of Record in my office in Book Series B *26* Page *139* and following.

In Testimony Whereof, I hereunto set my hand and affix the seal of said office,

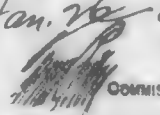
at Kansas City, Mo., this *24th* day

of *January* A. D. 190*7*

Francis D. Ross RECORDER.

By *C. H. Moore* DEPUTY.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED

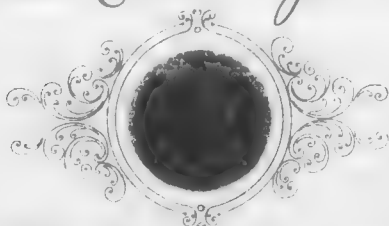
Jan. 26 07

COMMISSIONER

No. 20421

Marriage License

AND CERTIFICATE

Mr. Walter Washington
and
Mrs. Laura Taylor



Filed this 24th day of
January A.D. 1907
Francis D Roes
Recorder

By C.H. Moore
Deputy Recorder

MARRIAGE LICENSE.

OFFICE OF
RECORDER OF DEEDS
JACKSON COUNTY, MISSOURI.
AT KANSAS CITY.

STATE OF MISSOURI } SS.
COUNTY OF JACKSON.

This License authorizes any Judge, Justice of the Peace, licensed or ordained Preacher of the Gospel, who is a citizen of the United States, or other person authorized under the laws of this State to solemnize marriage between Walter Washington of the County of Wyandotte and State of Kansas who is over the age of twenty-one years and Laura Taylor of the County of Wyandotte and State of Kansas who is over the age of eighteen years.

Witness my hand as Recorder, with the seal of office hereto affixed, at my office in Kansas City, Missouri, this 28th day of July - 1900

M. R. Gossett.
By C. H. Moon
RECORDER.
DEPUTY RECORDER.

STATE OF MISSOURI } SS.
COUNTY OF JACKSON.

This is to certify that the undersigned, a Justice of the Peace did in said County and State on the 28th day of July A.D. 1900 unite in marriage the above named persons.
M. Ross

The person performing the marriage ceremony will please insert after his signature the place of his Office, Church or Residence.
This license must be returned to the office of Recorder of Deeds by the person solemnizing the marriage, within ninety days from the issuing thereof.

Filed for record and duly recorded in my office this 24th day of January A.D. 1907.

Father's roll # F. 3079
NEW BORN 411 100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 23, 1900.

Beatrice Washington

as a citizen of

Creek

Nation.

Approved..... 190...

Commissioner.

Died March 28-06?

Born Sept 25, 1902,

~~March~~ July 19-06.

NEW BORN CREEK FREEDMEN.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN AN APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Beatrice Washington born on the 25th day of Sept 1902
(Here insert name of child)
Name of Father Walter Washington a citizen of the Creek Nation.
Name of Mother Laura a citizen of the U S Nation.
Tribal enrollment of father..... Tribal enrollment of mother.....

Postoffice Muskogee, Ind. Ter
Room 225 McKim Bldg

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District.
I, Laura Washington, on oath state that I am 32
years of age and a citizen by U S of the..... Nation;
that I am the lawful wife of Walter Washington who is a citizen, by
adoption of the Creek Nation; that female child was
(Male or Female)
born to me on 25th day of Sept 1902; that said child has been named
Beatrice Washington and was living March 4, 1906.

Laura Washington

WITNESSES TO MARK:

[Must be Two Witnesses] {
Subscribed and sworn to before me this 19th day of July 1906.
Lloyd Hanes
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Western District.
I, S. Davis, on oath state that I
attended Laura Washington wife of Walter Washington
on the 25th day of Sept 1902; that there was born to her on said date female
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named Beatrice
Washington S. Davis

WITNESSES TO MARK:

[Must be Two Witnesses] {
Subscribed and sworn to before me this 19th day of July 1906.
Lloyd Hanes
Notary Public.

Hand Page 5-5-1
for the 11/1/07-

Dear Sir if you please
go to the D. & barmolnes
at the Baby is man
Beatress. Washington
she was born in 1903
and she died in
1906. march. near the
26. as in

born remember
and she was on
Put. on Rob
Sap July. 11 P.M.
her all in
fell there it is
Gave Washington
Baby and mother mother

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Beatrice Washington, deceased, as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on July 19, 1906, application was made for the enrollment of Beatrice Washington, deceased, as a Creek Freedman, under the provisions of the act of Congress approved April 26, 1906 (34 Stats.L., 137), and that an affidavit, duly executed, in the matter of the birth of said child, was filed on said date. Further proceedings were had January 25, 1907, and February 1, 1907. A certified copy of the marriage license and certificate of Walter Washington and Laura Taylor, filed with this office January 26, 1907, is made a part of the record herein.

The evidence and the records of this office show that said Beatrice Washington, deceased, was the child of Laura Washington, an alleged citizen of the Cherokee Nation, and Walter Washington, whose name appears upon a schedule of Creek Freedmen approved by the Secretary March 28, 1902, opposite number 3079, born to them in lawful wedlock.

The evidence shows that on July 19, 1906, Laura Washington testified that her said child, Beatrice Washington, deceased, was born September 25, 1902; that Ida Davis testified that she did not know the exact date that said Beatrice Washington was born, but that she was born in the year 1902; that the affidavit of said Ida Davis, as midwife, filed July 19, 1906, states that said child was born September 25, 1906, an impossible date, but the defect in the affidavit with reference to the year said child was born is herein considered cured by her testimony.

The evidence further shows that on July 19, 1906, Laura Washington testified that she had a record that she made of the dates of birth and death of said Beatrice Washington; that on January 5, 1907, a book containing a purported record of the dates of birth and death of the children of said Laura Washington, was introduced in evidence, one of the entries therein appearing to have been made with ink and the others with indelible pencil; that said purported record contains statements certain of which, in effect, tend to show that said Beatrice Washington was born February 13, 1903, and died March 28, 1906; that on February 1, 1907, said Laura Washington was examined under oath at her home in the city of Muskogee, Indian Territory, with reference to this purported record; that she identified the same as being her handwriting; that she made the entry of the date of birth of said Beatrice Washington, deceased, three or four months after the birth of said child;


This evidence then does not warrant a conclusion as to the exact date of birth of said Beatrice Washington, deceased, but establishes such date to have been sometime in the year 1902 or 1903.

The evidence further shows that said Beatrice Washington died March 28, 1906.

The evidence and the records of this office show that application has been made for the enrollment of Laura Washington, the mother of said Beatrice Washington, as a citizen of the Cherokee Nation, and that said cause is now pending before this office.

The records of this office further show that said Beatrice Washington, deceased, has not been enrolled as a citizen of the Cherokee Nation, and that no application has ever been made for her enrollment as such.

It is, therefore, ordered and adjudged that said Beatrice Washington, deceased, is entitled to be enrolled as a Creek Freedman, under the provisions of the act of Congress approved April 26, 1906 (34 Stats.L., 137), and the application for her enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 13 1907 .

W.H.H. CLAYTON, JR.

EZRA BRAINERD, JR.

Clayton & Brainerd,
Attorneys and Counsellors at Law,
MUSKOGEE, IND. TER.

281

January 25th, 1907.

Hon. Tams Bixby, Commissioner,
Muskogee, Indian Territory.

Dear sir:--

In the matter of the application of Beatrice Washington, deceased, for enrollment as a Creek Freeman, we wish to file a certified copy of the marriage of the applicant's parents which we enclose herewith, showing that Walter Washington and Laura Taylor were married by M. Ross, a Justice of the Peace, at Kansas City, Mo., on the 28th day of July, 1900.

Yours very truly,

Ezra Brainerd, Jr.

EB

JWH

H B F 411

Muskogee, Indian Territory, March 9, 1907.

Walter Washington,

825 North Seventh Street,

Muskogee, Indian Territory.

Dear Sir :--

You are hereby advised that on March 8, 1907, the Secretary of the Interior approved the enrollment of your deceased minor child, Beatrice Washington, as a Creek freedman, and that the name of said child appears upon the roll of new born Creek freedmen, enrolled under the Act of Congress approved April 26, 1906, as number 261.

This child is now entitled to allotment and application therefor should be made without delay, by the duly appointed administrator, at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1050

CR EN 1050

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY,
JULY 11, 1906.

In the matter of the application for the enrollment of
Sam Taylor as a Creek Freedman.

Bettie Parker, being duly sworn, testified as follows:

- Q What is your name? A Bettie Parker.
Q Are you married? A Yes sir.
Q What is your husband's name? A George Barker.
Q What is your age? A 23.
Q What is your post office address? A Oktaha.
Q How long have you been married to Parker? A I have been married
to him four years.
Q Got any children by him? A No sir.
Q Is he a citizen of the Creek Nation? A No sir.
Q State man? A Yes sir.
Q What was your name before you married Parker? A Bettie
London.
Q What was your maiden name? A Bettie London.
Q What is the name of your father? A Henry London.
Q What is the name of your mother? A Hattie London.

Witness is identified as Bettie London, opposite Creek
Freedman Roll No. 5556.

- Q Were you ever married before you married Parker? A No sir.
Q What are you here today for? A To make application for my
child, Sam Taylor.
Q Is this child living? A You mean the child father, he is
dead.
Q I mean the child, is he living? A Yes sir, he is living.
Q What is the name of the child's father? A Bill Taylor.
Q Were you married to him? A No sir.
Q Was he a citizen of any Nation? A No sir.
Q You say he is dead, when did he die? A About three or four
years now.
Q This is an illegitimate child, then is it, born out of wed-
lock? A Yes sir.
Q You were never married to him? A No sir.
Q Did you ever make application for this child before? A The
lawyers I think was, they told me that they made application for
him.
Q What Lawyer? A Lawyer Hart.
Q In what way did they tell you they made application for him?
A I don't know, they just said they made application for him.
Q Didn't you know that a lawyer couldn't apply for your child?
A No sir.
Q Didn't you know that you had to have the affidavit of the
mother and the midwife. A I didn't know that.
Q Isn't it a fact that Lawyers Hart and O'Hare told you they
made application for you? A They said they made application for
me and the child.
Q Didn't you apply here when Frank London made application for
enrollment, didn't you appear here at the same time, he is your
brother isn't he? A Yes sir.

Q When he made application for the enrollment of himself and others weren't you here? A No sir.
Q How did you get enrolled? A My oldest sister and brother they enrolled me.
Q Mary and Frank? A Yes sir.
Q But you never did anything before about this child before this time? A No sir.
Q Where is this child living? A At Oktaha.
Q How old is he? A Five years -- going on six, he was five years old last Thursday.
Q Last Thursday was July 5, you mean to say he was born July 5, 1901, if he was five years old last Thursday it was born in 1901, is that correct? A Yes sir, I guess so.
Q Did you have a doctor or midwife? A Midwife.
Q What is her name? A Hattie London, my mother, she is dead now.
Q Your mother? A Yes sir.
Q You are advised that in place of the affidavit of the midwife, who is dead, you should furnish this office with the affidavits of two disinterested witnesses.
Q When did your mother die? A She has been dead now about three years.
Q Your father dead? A Yes sir, he is dead too.
Q When did he die? A He has been dead about 11 years.
Q Have you a sister named Emma? A Yes sir.
Q How old is she? A 13 I think now.
Q Isn't it a matter of fact that you are only about 19?
A Me? A No sir, I am 23 years old.
Q Why didn't you bring that child in today with you?
A I didn't think you wanted me to bring it in. I didn't know you had to bring them in., it is so far and was so bad, I didn't bring it.
Q How far is Oktaha from here? A They call it fourteen miles.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merrick

Subscribed and sworn to before me this 12th day of July, 1906.

W. H. Hains

Notary Public.

Mother's roll # F-5556
NEW BORN 415-₁₀₀

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 20, 1906.

Sam Taylor

as a citizen of

Creek

Nation.

Approved..... 190...

Commissioner.

Born July 5, 1901.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO U.S. AND CIVILIZED TRIBES
FILED

July 26.

COMMISSIONER.

NEW BORN CREEK FREEDMEN.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Sam Taylor, born on the 5 day of July, 1891.
[Here insert name of child]
Name of Father: Bill Taylor, a citizen of the U. S. Nation.
Name of Mother: Betty London, a citizen of the Creek Nation.
Tribal enrollment of father: Non City. Tribal enrollment of mother: Arkaurar.
Postoffice: Oktaia, D. I.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
..... District. } Illegitimate
I, Betty Parker, on oath state that I am Twenty three
years of age and a citizen by blood, of the Creek Nation;
that I am the lawful wife of George Parker, who is a non citizen, by
..... of the Creek Nation; that a male child was
born to me on 5th day of July, 1906; that said child has been named
Sam Taylor, and was living March 4, 1906.
Betty Parker mark

WITNESSES TO MARK:

[Must be Two Witnesses]

William S. Cochran
Edward Herriett

Subscribed and sworn to before me this 10th day of July, 1906.

Edward Herriett
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
..... District. }

I, The wife dead, on oath state that I
attended on
on the day of; that there was born to her on said date a
child; that said child was living March 4, 1906, and is said to have been named.....
.....

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this day of 1906.

Notary Public.

En. 1050.

JLDe
CM

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sam Taylor as a Creek freedman.

D E C I S I O N

The record in this case shows that on July 10, 1906 application was made, in affidavit form, supplemented on July 11, 1906 by oral testimony for the enrollment of Sam Taylor as a Creek freedman under the provisions of the Act of Congress approved April 26, 1906.

It appears from the evidence filed in this matter that said Sam Taylor was born July 5, 1901, was living March 4, 1906 and was the child of Bill Taylor, a non-citizen, and Bettie Parker, who is identified on the approved roll of Creek freedmen opposite No. 5556 as Bettie London.

It is, therefore, ordered and adjudged that the said Sam Taylor is entitled to enrollment as a Creek freedman in accordance with the provisions of the Act of Congress approved April 26, 1906 (34 Stats. L. 137), and the application for his enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 18 1907

CR EN 1051

CR EN 1051

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 6, 1906.

In the matter of the application for the enrollment
of Frank and Beedie Williams as Creek freedmen.

MARY WILLIAMS, being duly sworn, testified as follows:

- Q What is your name? A Mary Williams.
Q What is your age? A Twenty eight.
Q What is your post office address? A Oktaha.
Q Are you enrolled as a Creek freedman? A Yes, sir.
Q Under what name are you enrolled? A Mary London.
Q What is the name of your father? A Henry London.
Q What was the name of your mother? A Hattie Fulsom.
Q Have you a brother named Frank London? A Yes, sir.
Q What was your postoffice before it was Oktaha? A Porter.
Q What before that? A Never staid anywhere else.
Q Name some of your sisters? A Emma and Bettie.

Witness is identified as Mary London opposite Creek
freedman roll No. 5555.

- Q What is your purpose in appearing here? A I want to apply for my
two children.
Q What is the name of the oldest one? A Joe Moseley; I done filed for
him.
Q What is the name of his father? A Jim Moseley.
Q What is the name of your next child? A Frank Williams.
Q Is he living? A Yes, sir.
Q What is the name of his father? A Jim Williams.
Q Is he a citizen of any of the Five Tribes? A No, sir.
Q Is he living? A I don't know whether he is living or not; I haven't
seen him for two years.
Q Were you married to him at the time you had Frank Williams? A Yes, sir.

Witness is advised that she must furnish this office
with the original or a certified copy of her marriage license and
certificate.

- Q Did you have a doctor or midwife when Frank Williams was born? A I
had my mother.
Q What is the name of your mother? A Hattie Fulsom.
Q Is she living? A No, sir.
Q How long dead? A Two Years.
Q Was any one else present when the child was born? A My sister.

Witness is advised that in view of the affidavit
of the midwife or physician she should furnish this office with the
affidavit of two disinterested witnesses relative to the birth of
Frank Williams.

- Q When was Frank Williams born? A In May; he is 8 years old the 4th
of last May.
Q Don't you know the year he was born? A No, sir.
Q Did you ever make application for his enrollment before? A No, sir.

Q How old was your child Joe Moseley when Frank was born? A A little over two years old.

Q What had become of Moseley at the time you had Frank? A I don't know where he was.

Q Were you married to him? A Yes, sir.

Q Do you mean to say you married Williams without knowing whether Joe Moseley was dead? A I had a divorce.

Q How does it come you didn't make application before for the enrollment of Frank Williams? A They told me they was going to but they didn't.

Q Who told you? A I sent my sister.

Q You sent Bettie up here to attend to it? A Yes, sir and they said they wasn't enrolling any children then.

Q When was that? A A good while ago when I was sick.

Q When were you sick? A Two months ago. When I filed for myself they said they wasn't enrolling any more children.

Q Is Frank Williams living? A Yes, sir.

Q Who is he with now? A My sister Bettie.

Q Are you living with her? A She is living with me; we live together.

Q You are not living with Williams now? A No, sir.

Q You say you haven't seen him for how long? A Two years.

Q What time two years ago did he leave you two years ago? A About this time of year.

Q What is the name of your next child? A Hattie.

Q Is she living? A No she is dead.

Q What is the name of her father? A Jim Williams.

Q How old when she died? A Three years.

Q When did she die? A Been dead three years.

Q You are sure of that? A Yes, sir three years this fall.

Q What is the name of your next? A Beedie.

Q Do you know how to spell that name? A No, sir.

Q Do you think B-e-e-d-i-e- would be about right? A I don't know. You ought to know you can read and write.

Q Is that a boy or girl? A Girl.

Q Is she living? A Yes, sir.

Q How old is she? A Four.

Q When four? A The 4th of January.

Q This last past January? A Yes, sir.

Q If that is true it would be born January 4, 1902. You never made any application for the enrollment of Beedie either? A No, sir.

Q How does it come when application was made for your child Joe Moseley that no application was made for this child? A I don't know

Q You gave testimony yourself? A I gave it to the one doing the writing and he said it was all right. My mother had the raising of him and they put him down with us; that was before she died.

Q Did they enroll him under some other name? A No Joe Moseley

Q That is the only reason Joe Moseley was applied for was because your mother raised him? A Yes and I told him about the other children and he said that didn't make any difference.

Q Did you have a midwife or physician at the birth of Beedie? A I had my mother.

Witness is advised that in lieu of the affidavit of the midwife it will be necessary to furnish the affidavit of two disinterested witnesses and she is requested that if she brings the witnesses here she bring the children also.

Q Is that all the children you ever had, Joe, Hattie and Frank and Beedie? A Yes, sir.

Q How many dead? A Hattie and Harry.

Q Why didn't you tell us about Harry before? A I told you a while ago I had two dead.

Q Who was Harry's father? A Jim Williams.

Q How old when he died? A A little baby.

Q When did he die? A About two years ago, not quite two years, he died just before his daddy went off.

Q What month will it be two years in? A In August two years.

I, Anna Garrigue, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigue

Subscribed and sworn to before me this
12 day of July 1906.

H. H. Harris
Notary Public.

United States of America,

Western Judicial District,

Indian Territory.

I, Mary Williams on oath state that my mother, Hattie Pulsome attended me as midwife, at the birth of Frank Williams and at the birth of Beadie Williams, and that my mother is now dead, having died at Oaktah Ind Ter. about Two years ago.

Witnesses to mark

John W. Hayes
Dr. H. Moore

^{Her}
Mary Williams
_{sub}

Subscribed ~~to~~ and sworn to before me this 28th day of Jan. 1907.

My Commission expires

Oct. 21

1909

John W. Hayes
Notary public.

Mother's roll #F. 5555

NEW BORN 414 IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 20, 1900.

Beedie Williams

as a citizen of

Creek

Nation.

Approved. 190...

Commissioner.

Born Jan'y 4, 1902.

July 6-06

NEW BORN CREEK FREEDMEN.

1051

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
 of Beedie Williams (Here insert name of child), born on the 4 day of January, 1902

Name of Father: Jim Williams a citizen of the U.S. Nation.

Name of Mother: Mary London a citizen of the Creek Nation.

Place of birth of father: Tribal enrollment of mother:

Postoffice: Ottawa, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Western District.

I, Mary Williams, on oath state that I am 28 years of age and a citizen by adoption of the Creek Nation; that I am the lawful wife of Jim Williams, who is a citizen, by of the U.S. Nation; that a female child was born to me on the 4 day of January, 1902; that said child has been named Beedie Williams and was living March 4, 1906.

WITNESSES TO MARK:

[must be Two
Witnesses]

H. Haines
Anna Garrison

Subscribed and sworn to before me this 6 day of July, 1906.

H. Haines

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
 District.

I, on oath state that I attended on with of on the day of 1906; that there was born to her on said date a child; that said child was living March 4, 1906, and is said to have been named:

WITNESSES TO MARK:

[must be Two
Witnesses]

.....

Subscribed and sworn to before me this day of 1906.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
 of Beadie Williams [Here insert name of child], born on the 14 day of Jan 1902
 Name of Father: Jim Williams a citizen of the Creek Nation.
 Name of Mother: Mary London Williams a citizen of the Creek Nation.
 Tribal enrollment of father: Tribal enrollment of mother: Creek
 Postoffice: Mustagee I. D. Bx 501

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

I, Mary London on oath state that I am 28
 years of age and a citizen by freedom of the Creek Nation;
 that I am the lawful wife of Jim Williams who is a citizen, by
 of the Creek Nation; that a female child was
 born to me on 14 day of January 1902; that said child has been named
Beadie Williams and was living March 4, 1906.

WITNESSES TO MARK:

[Must be Two
Witnesses]

Evelina McIntosh
H. R. Lott

Subscribed and sworn to before me this 14 day of January 1909

My Commission Expires
Oct. 20, 1909

Mary L. London
mad
John W. Sharp
 Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

District.

I, _____, on oath state that I
 attended on _____ wife of _____
 on the _____ day of _____; that there was born to her on said date a _____
 child; that said child was living March 4, 1906, and is said to have been named _____
 [Male or Female]

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this _____ day of _____ 1906.

Notary Public.

En. 1051.

JLDc
CM

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment
of Frank Williams and Beedie Williams as Creek freedmen.

D E C I S I O N

The record in this case shows that on July 6, 1906 applications were made, in affidavit form, supplemented by oral testimony for the enrollment of Frank Williams and Beedie Williams as Creek freedmen, under the provisions of the Act of Congress approved April 26, 1906.

It appears from the evidence filed in this cause that Frank Williams and Beedie Williams were born May 4, 1898 and January 4, 1902 respectively, were living March 4, 1906 and were the children of Jim Williams, a non-citizen, and Mary Williams, who is identified upon the approved roll of Creek freedmen as Mary London opposite No. 5555.

It is, therefore, ordered and adjudged that said Frank Williams and Beedie Williams are entitled to enrollment as Creek freedmen in accordance with the provisions of the Act of Congress approved April 26, 1906 (34 Stats. L. 137), and the applications for their enrollment as such are accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,



BBF 414.

Muskogee, Indian Territory, March 9, 1907.

Mary Williams,

c/o Jim Williams,

Oktaha, Indian Territory.

Dear Madam:

You are hereby advised that on March 2, 1907, the Secretary of the Interior approved the enrollment of your minor children, Frank and Beedie Williams, as Creek Freedmen, and that the names of said children appear upon the roll of new born Creek Freedmen, enrolled under the act of Congress approved April 26, 1906, as numbers 302 and 303, respectively.

These children are now entitled to allotment, and applications therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1052

CR EN 1052

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY.
JULY 9, 1906.

In the matter of the application for the enrollment of
Patsy Durant Grayson, as a Creek Freedman.

John Grayson, being first duly ~~sw~~ sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: John Grayson.
Q: How old are you? A: I think I am 33.
Q: What is your post-office address? A: Clearview.
Q: Are you a creek freedman? A: Yes sir.
Q: You present here an affidavit for a Grayson child is that any kin ~~xxxx~~ to you? A: Yes sir.
Q: What kin are the parents of it to you? A: No kin at all to me.
Q: Do you know anything at all about their child? A: No sir all I know about the child I knew the child when it was living.
Q: It is dead now is it? A: Yes sir.
Q: When did he die? A: I don't know sir exactly the date when it died.
Q: About when? A: It must have been, oh I can't tell just exactly.
Q: This affidavit says ~~he was~~ it was born last August? I am talking about this child Patsy? A: Yes sir, I was thinking about another one I was thinking of that.
Q: This affidavit says it was born last August, did it live a month? A: Yes, I guess it did.
Q: Did it live 2 months? A: Yes sir, I guess it did.
Q: Three months, 4, 5, or six months, did it live as much as 6 months? A: No sir, I don't think it did.
Q: Don't think it lived 6 months? A: No sir.
Q: How many do you think it lived? A: About 2 months.
Q: Now what makes you say that? A: I don't know, I was there about the time the child was born, but I went away and didn't come back for sometime, and when I did come back the child was dead.
Q: How long after its birth did you come back, did you come back within 6 months? A: Yes sir.
Q: It was dead then? A: Yes sir.
Q: So it didn't live up to last Christmas did it?
A: No sir, I don't know exactly I can't tell, all I know is by what time the child was born but I was away when it died.
Q: According to your recollection it was born, is that so, about last August, last summer? A: Yes sir, that is about the time it was born.
Q: About how old was it when it died? A: I don't know sir exactly.
Q: If you don't know that, how old would it have been had it been living after you had ~~found it~~ gone back there, how long after its birth was it when you went back?
A: Well sir, that is what I can't tell you.
Q: Now you went back there you say? A: Yes sir.
Q: And found it dead? A: Yes sir.

- Q: You don't need to tell me the ~~xxx~~ exact month but about what time of this century was it when you went back there? Was that in last year? A: That is what I can't get together good.
- Q: It wasn't longer than 6 months was it from the time of its birth until you went there and found out it had died?
- A: Yes sir.
- Q: How long had it been dead when you got there?
- A: That is what I don't know.
- Q: Didn't you hear about how long? A: No sir.
- Q: You didn't see it dead? A: No sir.
- Q: Was it dead and buried when you got there? A: Yes sir.
- Q: Didn't somebody tell you how long it had been dead?
- A: No sir. It was dead and buried when I came there. I came back it was along about the 1st. part of the year it must have been I guess January or some month near that that is what I don't know but the child was dead, all I know the child was dead when I came back.
- Q: From all of these circumstances don't you know it couldn't have been living last Christmas? Didn't you hear anything of that kind? A: No sir.
- Q: Now we have given you at least 8 months to settle on some date, you indicate from your testimony that the child lived about 2 months from last August, now there is a big difference between that and last January? A: I know when the child was born but when the child was dead and buried that is something I can't tell you.
- Q: If you know when the child was born, which appears to be last August, then there is no excuse why you can't tell us when you got back there and tell us when it was dead and buried because that has happened since the birth and you have not been able to settle down on any of the 8 months within that time, have you? A: As near as I can remember I was away in all not longer than three months.
- Q: Not any longer than 3 months? A: No sir.
- Q: When you came back the child was dead and buried? A: Yes, the child was dead and buried.
- Q: What is the name of the child, Patey Durant Grayson?
- A: Yes sir.
- Q: What is the name of the father? A: Philip Durant.
- Q: Is he a freedman? A: Yes sir.
- Q: What is the name of the mother of the child? A: ~~Alice~~ ~~Grayson~~ A: Alice Grayson.
- Q: Is she a freedman? A: Yes sir.
- Q: Do you know the name of her father? Alice Grayson's father
- A: Yes sir, Dick Grayson.
- Q: What is the name of her mother? A: Rachel Grayson. Rachel Grayson is listed on Card # 3302. The father of the child is identified as Philip H. Durant opposite Creek Freedman Roll No. 1172.
- Q: Do you know the names of Philips parents? A: No sir.
- Q: Do you know the name of his Creek Indian Town? A: Yes sir.
- Q: What is it? A: North Fork.
- Q: A minute ago you said Arkansas? A: I thought you meant the town I belonged to.
- (It appears from the records of the commission that the only Philip Durant we have on file belongs to the Canadian, what is his address? A: Brushton.
- Q: He is not married to Alice? A: No sir.
- Q: To the best of your recollection the child was born last August and you got there shortly after its birth and then went away and stayed away not more than 3 months, and when you came back 8 months after the first of August, you were told the child was dead and buried? A: Yes sir.

- Q: In fact you knew it wasn't living when you got back three months after August? A: Yes sir.
- Q: If the mother and mid-wife swear it lived to March of this year, then they are either mistaken or are deliberately swearing falsely? A: I think they made a mistake, but I don't think either of them knows for certain.
- Q: Why don't they, are they ignorant people? A: Yes sir.
- Q: Alice can't sign her own name it appears from this affidavit A: No sir.
- Q: Do you know this fellow, A. A. Hatch a Notary Public? A: Yes sir.
- Q: Is he a white man? A: No sir.
- Q: A black man? A: Yes sir.
- Q: You don't know whether he had any arrangement with them to fraudulently enroll this child? A: Not as I know of.
- Q: Never heard of any scheme between them? A: No sir.
- Q: Well if what you state about coming back in three months is true, then the child could not have lived to be three months old could it? A: No sir, it couldn't, they are mistaken.
- Q: They are either mistaken or lying when they say it was living March 14, 1906 are they not? A: I think they are mistaken, I think he fixed it up and had them sign it, because neither one of them don't know anything.
- Q: What do you mean by fixing it up, do you mean he was trying to do something wrong? No sir, I don't think he was trying to do anything wrong, I don't reckon I can say that. I just stepped in and witnessed it and they asked me to bring it in as I was coming down and told me to bring it to the commissioners office.
- Q: Have you any further interest in this case except to bring it down? A: Except to bring it down that is all I have got to do with it.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes, as taken by me in said cause on said date.

Julia C. Laval

Subscribed and sworn to before
me this 25 day of July, 1906.

H. H. Harris
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
SEPTEMBER 8, 1904.

N.E.F. 416
En. 1052.

In the matter of the application for the enrollment of
Patsy Durant Grayson, deceased, as a Creek Freedman.

APPEARANCES: John G. Lieber, acting for M. L. Hott,
attorney for Creek Nation.

Philip H. Durant, being first duly sworn by Henry G. Hains
a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Philip H. Durant.
Q: How old are you? A: I don't know exactly about 45 years
old, I guess.
Q: What is your post-office address? A: Rush Hill.
Q: Are you a Creek Freedman? A: Yes sir.
Q: What is the name of your father? A: Monday Durant.
Q: What is the name of your mother? A: Susan Durant.

The witness is identified as Philip H. Durant, opposite
Freedman Roll number 1172.

- Q: Did you ever hear of a child named Patsy Durant Grayson?
A: Yes sir.
Q: Is that your child? A: It is claimed to be mine but I
don't own it, don't recognize it.
Q: You don't own it? A: No sir.
Q: Who said it was your child? A: She said that.
Q: Did she tell other people it was your child? A: Yes sir.
Q: You heard her tell that? A: Yes sir.
Q: When was Patsy Durant Grayson born? A: It has been dead
15 or 16 years.
Q: How old was it when it died? A: I think it was along
about 2 years old if I am not mistaken.
Q: Do you know the mother of the child? A: Yes sir.
Q: What is her name? A: Alice Grayson.
Q: What is the name of her father? A: Dick Grayson, I believe.
Q: What is the name of her mother? A: Rachel Grayson.

She is identified as Alice Grayson opposite Creek Freedman
card number 3302.

- Q: What is her post-office? A: Seneca I guess.
Q: Or Henryetta? A: Yes sir.
Q: Were you ever married to her? A: No sir.
Q: Ever live with her? A: No sir.
Q: Ever given birth to a child by her? A: Yes sir.
Q: To the three of them that are enrolled? A: Yes sir.

- Q: What are their names? A: Sarah Durant and Fred and Minerva.
- Q: Is that all the children you have had by her? A: No sir. There is another. There were three of them that I claim but Minerva, I don't claim her at all, but the youngest white child I di, her name is Elenera Durant.
- Q: You say you don't claim Minerva? A: No sir.
- Q: You do claim Sarah, and Fred and Elenera, but you don't claim Minerva, nor this Patay? A: No sir.
- Q: Well did she have a child in the last year? A: No sir.
- Q: How do you know? A: Because I would have heard of it.
- Q: You say you live at Rush Hill and she lives at Semora?
- A: Yes sir.
- Q: How would you have heard of it? A: There is people in that neighborhood that is well acquainted with her and goes out there and comes back frequently and I goes up there myself sometimes.
- Q: Is she had a child born last August 1905, as she said, she had, she lied about it, did she? A: Yes she sure did.
- Q: And if the midwife swore she attended on Alice in August 1905 she also is guilty of perjury? A: Yes sir.

Questions by Summize Jehn G. Lieber, acting for Creek Attorney.

- Q: When was the last time you were at Alice Grayson's house?
- A: Last fall sometime or either along in October I think it was.
- Q: How long did you stay there? A: I stayed there every night.
- Q: You are sure it was after last August that you were there, after August 1905, you were there? A: Yes sir.
- Q: You think it was during sometime in October of last year?
- A: Yes sir.
- Q: How did you see any young child there, baby?
- A: No sir.
- Q: What was the name of the youngest child you saw there?
- A: Elenera.
- Q: How old is Elenera? A: 5 or 6 years old to my knowledge.
- Q: Did Alice say anything to you about having had a child in August of last year? A: No sir.
- Q: How often do you see Alice, that is on an average?
- A: Well sometimes about three times a month, sometimes twice.
- Q: If she had had a child last year would you have known it?
- A: Yes, I would have heard of it.
- Q: You are satisfied she never had a child last year?
- A: Yes sir.

Anthony Grayson, being first duly sworn by Henry G. Hains testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Antony Grayson.
- Q: How old are you? A: 34 years old.
- Q: What is your post-office address? A: Brush Hill.
- Q: Are you a Creek Freedman? A: Yes sir.
- Q: Are you any kin to Alice Grayson? A: Yes sir.
- Q: What? A: Nephew of Alice Grayson. My father is her brother.

Questions by John C. Lieber, attorney for Creek Nation:

- Q: How long have you known your Aunt Alice?
A: I know her all my life.
Q: Have you lived near to her all your life? A: Up until about 7 or 8 years.
Q: How often have you seen your Aunt in the last 6 or 7 years?
A: Well sometimes I saw her twice a month and sometimes I wouldn't see her for maybe two months.
Q: Did you see her frequently? A: Yes sir.
Q: Do you know of her having a child named Patsy Durant Grayson. A: Yes sir.
Q: Who did she claim was the father of that child?
A: Philip Durant.
Q: That is Philip H. Durant, is it? A: Yes sir.
Q: Where was she living when that child was born?
A: She was living down at Brush Hill near where I live.
Q: About how long has it been since that child was born?
A: I don't know exactly how long it has been, it must have been 16 or 17 years as near as I can recollect.
Q: How long did the child live? A: I don't know exactly how long the child lived, it was between 2 or 3 years old as near as I can recollect when it died.
Q: Do you know when the land office was first opened in Muskegee? A: Yes sir.
Q: Was that child dead at that time? A: Yes sir.
Q: You are sure of that, are you? A: Yes sir.
Q: What is the name of the least, or youngest child?
A: Between 5 and 6 years old as near as I can recollect.
Q: What is its name? A: Elnora.
Q: Are you positive that she has not had any children since Elnora was born? A: Yes sir.
Q: Certain of that? A: Yes sir.
Q: Has your acquaintance with her during the last 4 or 5 years been such that if she had a child since Elnora was born that you would have known it? A: Yes sir.
Q: How many children has your Aunt had? A: Six.
Q: How many are living? A: Four.

Questions by Commissioner:

- Q: Do you know John Grayson? A: Yes sir.
Q: Any kin to him? A: Yes sir.
Q: What? A: First cousin.
Q: Are you any kin to Alice Grayson? A: A nephew of Alice Grayson.
Q: His post-office here is Clearview? A: Yes sir.
Q: Would he know anything about that child? A: Yes sir.
Q: Well if he swore here in testimony in July 1906, that she had a child named Patsy, that lived only about 2 months or 6 months, he was mistaken, was he? A: Yes sir.
Q: If he swore that according to his recollection he was born about last August, last summer, he must have been mistaken or he must have known better than that, it was not true, was it? A: No sir, it wasn't true.
Q: If your Aunt Alice and the midwife swore that this child was born to her last August and died in this March, both of them didn't tell the truth, did they? A: Yes sir.
Q: You know that to be a fact? A: I do.
Q: Are you on good terms with your Aunt Alice? A: Yes sir.

- Q: Haven't any ill-feeling towards her? A: No sir.
Q: Your only reason for appearing here today is because you were subpoenaed by the Creek Nation and you desire to have the truth known? A: Yes sir.

Philip Durant recalled, testified as follows:

Questions by Commissioner:

- Q: Have you any ill-feeling towards Alice Grayson? A: Not a bit.
Q: Your only object in appearing here today is to come in and tell the truth, is it? A: Yes sir.
Q: The fact of the matter is that you have had at least two or three illegitimate children which you recognise?
A: Yes sir.
Q: You have not had any trouble about the enrollment of them?
A: No sir.
Q: You are on good terms with Alice? A: Yes sir.

This is all the evidence taken in said cause, on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before
me this 22 day of September, 1906.

Edward Morris
Notary Public

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY
SEPTEMBER 14, 1906.**

W.B.F. 416.

In the matter of the application for the enrollment of
Patsy Durant Grayson, deceased as a Creek Freedman.

APPEARANCES: JOHN G. LINNER acting attorney for Creek
Nation.

Alice Grayson, being first duly sworn by Henry G. Hains
a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Alice Grayson.
Q: How old are you? A: Well I don't know sir how old I am.
Q: Are you about 40? A: I guess maybe I am about that.
Q: What is your post-office address? A: Henryetta.
Q: What is the name of your father? A: Dick Grayson.
Q: What is the name of your mother? A: Rasheal Grayson.
Q:
Witness is identified as Alice Grayson opposite Creek
Freedman Roll 3302.
- Q: How many children have you had in your lifetime?
A: 4 living and 3 dead.
Q: Name them all? A: Sarah Durant.
Q: Is she living? A: Yes sir.
A: Minerva Durant?
Q: Is she living? A: Yes sir. Elenor Durant.
Q: Is she living? A: Yes sir. Freddie Durant.
Q: Is he living? A: Yes sir. Betsy Durant. She is dead.
Q: Is she enrolled? A: No sir, she died a long time ago,
and I had another one Patsy Durant, she was next to Betsy
and I had this last baby, it died and I named it after
Patsy Durant.
Q: Now the one you just named before that, before Patsy Durant
it died too, did it? A: Yes sir, Betsy and Patsy never
was enrolled.
Q: Because they died too soon? A: Yes sir.
Q: What is the one you last named? A: Patsy Durant.
Q: Who is the father of these children? A: Philip Durant
but he denies them all.
Q: This last one you are talking about, this baby it is dead
too, is it? A: Yes sir.
Q: How long did it live? A: It lived about turning on to
4 weeks, of course I can't read or count.
Q: It lived about 4 weeks you say, you are sure it didn't live
2 months? A: No sir, it didn't live two months.
Q: When was it born? A: In last April.
Q: What time of the year was it born? A: In the spring.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Now when did you say this last child you had that you named Patsy Durant Grayson was born? A: Last April I suppose.
- Q: This last gone April a year ago? A: Yes sir last gone April, I can't read, I don't know the A, B, C's. John Grayson knows more than I do and he had it fixed up the way he would.
- Q: Was it born last Spring, Alice? A: Yes sir.
- Q: Last Spring? A: This last Spring, but what date, I don't know.
- Q: Do you know what month? A: April.
- Q: Are you sure it was April? A: Yes sir.
- Q: I said it was April but of course I can't keep up like you all can.
- Q: How long did the child live? A: Going on 4 weeks.
- Q: Did you make any record of its birth, Alice?
- A: No sir, I ain't got none of them down in no bible or nothing. I can't tell none of my children's ages I don't know how old I am myself.
- Q: What were the farmers doing at the time this child was born?
- A: They wasn't doing nothing at all except seeing about farming I guess, they hadn't started but they was seeing to it.
- Q: Had they broken up land yet? A: They was breaking the new land.
- Q: It wasn't in the winter when this child was born, was it?
- A: No sir, it was kind a getting warm like.
- Q: What makes you think it was in April? A: I said it was in April, I am certain it was in April.
- Q: Do you know what day of the week the child was born on?
- A: No sir.
- Q: Who was with you when the child was born? A: Silvia Grayson
- Q: Well now did you sign that affidavit, Alice, make your mark to it?
- (Witness is shown an affidavit filed in this case on the 9th. day of July, 1906, being an application for the enrollment of Patsy Durant Grayson)
- Q: Did you sign that affidavit, Alice? A: Yes sir, I signed it.
- Q: You made your mark? A: Yes but I am so forgetful, John Grayson was talking to the Notary.
- Q: Did you swear to that affidavit, Alice? A: Yes sir.
- Q: Now what did John Grayson say to you about getting this child enrolled? A: He said he thought I could get it on the roll may be, and I said I didn't know whether I could or not, and he said well I think maybe you could, and he said I will see about it for you and he went to work and wrote for me to go to the Notary Public and he called him back and he written something and I went and he fixed it up.
- Q: Did you know that Notary before you went before him and made this affidavit? A: No sir, I never saw him before.
- Q: Do you know Henry Lewis? A: Yes, I know him.
- Q: Was he there when you signed this affidavit? A: Yes sir
- Q: What did he have to say about this affidavit Alice?
- A: He didn't have anything at all to say about it.
- Q: Didn't you tell John this child was born in April?
- A: I told you I wasn't mixing in the case at all.
- Q: But you knew the child was born last April?
- A: Yes sir.
- Q: You told him that, didn't you? A: Yes sir.
- Q: This affidavit says the child was born on the 1st. day of

August 1905

- A: They sure did put it down wrong. I can't read or write or nothing, but sure he put it down wrong, the fixed the papers wrong.
- Q: Does John and this fellow Henry Lewis sort a work together?
- A: Yes sir.
- Q: They work for some of these land buyers don't they?
- A: Yes sir.
- Q: Well what did they say to you about selling this land if you got this ~~child~~ enrolled, Alice? A: They didn't say anything about selling it or anything of that kind.
- Q: Well what were they to get for making these affidavits for you or what were you to pay them? A: Nothing.
- Q: Didn't they read this affidavit over to you Alice before you signed it? A: No sir, if they did I disremember, I sure disremember.
- Q: Now after they had read the affidavit over to you and stated in it that the child was born on the 1st. day of August 1905 which was last August a year ago, you would have known that wasn't true, wouldn't you?
- A: Yes, if he did, I don't know nothing about it. I am honest with you on that.
- Q: How didn't they tell you Alice they would have to make the date of the birth of that child sometime before the 4th. of East March in order to get it enrolled?
- A: No sir he didn't tell me at all, he didn't tell me nothing at all like that. Why he knows I guess that I don't know and I am short of recollection and I guess that is the reason he didn't tell me anything about it.
- Q: What did he know about the birth of this child?
- A: That is his wife.
- Q: Who? A: Sylvia Grayson. That is how I guess he knows.
- Q: He wasn't present when the child was born was he?
- A: No sir he wasn't right there.
- Q: How old was the child when he first saw it. A: About 3 days old.
- Q: Did Silvia sign this affidavit at the same time you did?
- A: Yes sir.
- Q: Both of you were there together before the Notary Public?
- A: Yes sir.
- Q: Well now just tell the Commissioner Alice how this matter came up and about John Grayson coming to you about making this affidavit?
- A: Well he was telling me about it, let's see, a good while before it was undertaken and I told him I didn't know whether I could enroll it or not and I didn't care to fool with it. And he said Yes, I think may be you can enrol it and I never did put myself to any trouble about it at all and he kept on and kept on working that way and he told me about it again and I never put my mind much on it and then he he written to me and said that he could get it fixed up and so I went and had it fixed up just that way.
- Q: Have you got the letter that he wrote to you? A: Yes sir.

- Q: Where is it Alice? A: I ain't got it he sent it by hand. I ain't got it.
- Q: Do you mean you ain't got it at all now?
- A: I don't know whether it is home at all.
- Q: Maybe I might could find it, but the man who brought it to me he could say that he gave it to me, but I don't think it is there at all. The children might have torn it.
- Q: Well then if this affidavit says the child was born on the 1st. of August 1905, a year ago last August, it says something that ain't true don't it? A: Yes sir.
- Q: If it says that the child was living on the 4th. day of this last March, it says something that ain't true, don't it?
- A: Yes sir.
- Q: In fact the child wasn't born the 4th. of last March was it?
- A: It was born on the same time I told you.
- Q: Well April comes after March, don't it? A: Yes sir.

Questions by Commissioner:

- Q: Well then if the child lived only 4 weeks it must have died sometime in May, didn't it? A: Of course may be it did, I don't know when it did die.
- Q: Did you have an undertaker? A: No sir, we didn't have none, just our own selves.
- Q: Who made the coffin? A: A colored man.
- Q: What is his name? A: Jackson.
- Q: What Jackson? A: Lewis Jackson.
- Q: Where does he live? A: On Bull Creek. at Henryetta.
- Q: You didn't make any record of its death did you?
- A: No sir.
- Q: Did you have a Doctor when this child died? A: No sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Did Lewis Jackson charge you anything for making the coffin?
- A: No sir.
- Q: Where is the child buried? A: At the graveyard.
- Q: What is the name of the graveyard? A: I don't know the name.
- Q: Is it in the town of Henryetta? A: No sir, in the country.
- Q: On whose place is it? A: On Jesse Bruners place.
- Q: Was any mark put on the grave, a head-board or a foot-board or anything like that? A: No sir.
- Q: Well now at the time you went before that Notary Public it was this last Spring? A: It was along the 1st. of July.
- Q: Now at that time the child had been dead a month or so, had it? A: It might be.
- Q: You know it hadn't been born as much as a year before that as this affidavit tries to say? A: No sir.
- Q: It had just been born a little while and was dead a little while at that time? A: Yes sir.

Questions by Commissioner:

- Q: After you touched the pen to this affidavit and everything what became of this affidavit? A: Well John said he was coming down here, and he said I am going down and I will carry it in and present it and if anything, a question or anything like that comes up I will be there to answer for it that is what he said.

- Q: What do he mean by that?
A: I don't know sir, I don't know what he meant by it.
Q: Where does John Grayson live? A: He lives at Clearview.
Q: Where does Henry Lewis live? A: He lives at Clearview too.
Q: Did Henry Lewis know what was in this affidavit when you signed it? A: I don't know whether he did or not, he didn't read it out or nothing.
Q: He looked at it didn't he? A: Yes sir, he looked at it.

Questions by John Lieber acting attorney for Creek Nation.

- Q: Has John ever been convicted of anything? A: Yes sir.
Q: What? A: Fow mortgaged property.
Q: Was he ever sent to the penitentiary? A: No, it never come to a trial.

Sylvia Grayson, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Sylvia Grayson.
Q: How old are you? A: \$35.00.
Q: What is your post-office address? A: Clearview.
Q: Are you a citizen of the Creek Nation? A: Yes sir.
Q: Freedman? A: Yes sir.
Q: What is the name of your husband? A: John Grayson.
Q: Do you know Alice Grayson? A: Yes sir, that is my husband's Aunt.
Q: Do you know a child of hers named Patsy Durant Grayson?
A: Yes sir.
Q: Is it living? A: No sir.
Q: When did it die? A: This last gone April, sometime.
Q: How old was it when it died? A: I don't know exactly how old it was but I think it was about a year old, but I don't know exactly how old the child was.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Now Sylvia you were present when that child was born wasn't you? A: Yes I was there and waited on that one.
Q: Don't you know that child was born this year?
A: No sir, that child was born last April a year ago.
Q: It was born last April a year ago? A: Yes sir.
Q: How is that right? A: Yes sir, that is right.
Q: How long did the child live? A: Well I don't know exactly how long the child lived but it was born the 6th. day of April.
Q: When did it die? A: Sometime away along towards the last part of April, because we were planting corn when the child died, we were planting corn in April.

- Q: How old was it when it died? A: Well I don't know exactly how old the child was. That might have made it a year old, but I wasn't living right there.
- Q: Were you present when the child died? A: I wasn't there when the child died.
- Q: Were you in the settlement? A: No sir.
- Q: Did you ever see it after it was dead? A: Yes sir.
- Q: Was the child old enough to walk? A: It could crawl but it couldn't walk alone to do any good, it was old enough to walk good but it was sickly.
- Q: What was it a boy or girl? A: A girl.
- Q: You say the child was born on the 9th. day of last April a year ago? A: Yes sir.
- Q: How you are certain of that are you Sylvia? A: Yes sir.
- Q: You are certain it wasn't this last April? A: Yes sir.
- Q: Has Alice had any other children since that? A: No sir.
- Q: That is the last child she had? A: That is to my knowing that is the last one.
- Q: Now Alice isn't an idiot, is she, that is a crazy person? A: Well you might as well say crazy, she ain't got no sense, she has got no recollection at all and don't know her own children's ages or nothing.
- Q: How long did you live close to her after the child was born? A: I wasn't living there when the child was born, we moved out to Clearview, I was staying there and just came down on a visit.
- Q: How far did you live from her when the child was born? A: 18 miles.
- Q: Did you live the same distance from her when the child died? A: Yes sir.
- Q: Did you go for the midwife for Alice when the child was born? A: Yes sir, I did all the work myself, I waited on her twice.
- Q: You are certain it wasn't last April that the child was born? A: No sir.
- Q: How old would that child be now, if it had lived? A: Mr. I can't count and I can't read or nothing but from last April until now it ought to have been a year old and some months, I can't tell you exactly.
- Q: How long has it been since the child died? A: It died the last of April, this gone April, April--June-- May-- July-- August-- and September, it is about 4 months ain't it?
- Q: Well I will ask you Sylvia can't you tell how long ago it died without figuring it up that way? A: Well I can't count good, all I know the child died in April that is all I know.
- Q: Don't you know that child didn't die this last April? A: It did die this last April.
- Q: Don't you know that child wasn't anything like a year old when it died? A: It had done been a year old, it was born last April and died the last of this April gone.
- Q: Died the last of this gone April? A: Yes sir.
- Q: Who told you to say it Sylvia? A: I am saying it myself because I knows it.
- Q: You are right sure John didn't tell you to say that? A: John didn't have a thing to do about telling me nothing.
- Q: You know when the child was born and when it died don't you? A: I was right sure when the child was born I waited on the woman but I wasn't right there when the child died but we went to the funeral.
- Q: What was the condition of the crops at the time this child died?

- A: They were planting corn. We planted corn in April.
Q: Who was present at the funeral of this child?
A: Well lots of people were present.
Q: Give me the names of some of them? A: Mose Grayson and Tolbert Grayson and Lewis Jackson made the coffin they told me.
Q: Anybody else that you can think of? A: Oh well there was lots of them there.
Q: Now you are certain the child was born last April a year ago on the 9th. day? A: Yes sir.
Q: And you are certain that it was more than a year old when it died? A: I am not certain it was more than a year old but it was born the 9th. day of April and died on the last day of April but I can't tell you exactly what was the date of the month.
Q: Now Sylvia you signed an affidavit about the birth of this child before a Notary Public, didn't you?
A: Yes sir.
Q: That is your signature ~~wasn't~~ it? A: Yes sir

(Witness is shown an affidavit filed in this case on the 9th. day of July 1906, being an application for the enrollment of Patsy Durant Grayson.)

- Q: Now this affidavit says the child was born on the 1st. day of August 1905, what have you got to say about that?
A: It must be he made a mistake in there, but I never make any mistake.
Q: Now Sylvia if you knew that the child was born on the 9th. day of April, 1905, why did you sign this affidavit which says it was born on the 1st. day of August 1905?
A: I didn't told the man that the child was born on that time.
Q: Who wrote that affidavit out? A: Mr. Hatch.
Q: Your husband was right there wasn't he? A: Yes sir.
Q: He is the fellow that runs around after these land buyers out there isn't he? A: No sir, he don't work for any land buyers.
Q: He takes the people to these land buyers, don't he?
A: No sir, he don't work for anybody that way, it ain't him that works for those land buyers. Henry Lewis does that way
Q: Didn't they read that affidavit over to you before you signed it? A: I don't know sir, I don't remember.
Q: Why didn't you have them read it over? A: They just told me to read it over.
Q: They swore you to it, didn't they? A: No sir, if I swore to it, I won't say, I don't know it, may be I forget it.
Q: If that ~~Hatch~~ Notary Public says that you did swear to it then he told a lie, did he? A: No sir, I won't say he lied but I think I am right, I may have forgotten.
Q: You don't mean to say now that you didn't swear to that affidavit? A: I am not going to swear that I didn't swear to that affidavit, I might have and I forgotten it.
Q: If the mother of this child swears the child only lived 4 weeks, she swore to something that isn't true? A: Yes sir.
Q: You are here before the Commissioner testifying as you are simply to save your husband, aren't you?
A: No sir.
Q: Didn't he tell you to come up and tell you to swear to the stuff you are swearing to this morning? A: No sir, he didn't tell me nothing.

- Q: If Philip Durant came before the Commission a few days ago and swore he was at Alice's house last fall and she didn't have a young baby at that time, he swore to something that wasn't true, didn't he? A: He sure did.
- Q: In other words all of these people have sworn to a lie or are mistaken, except you, is that the way of it?
- A: I don't know what they swore to, but I am telling you the truth.
- Q: And if Anthony Grayson came in here and said that Alice didn't have a young baby this last last August and he saw her and she never had one, he swore to something that wasn't true? A: I don't know what he swore to, I am swearing to the truth.
- Q: Isn't it a fact that you know that that child didn't live a year? A: Yes sir, it was bound to live a year or a little over a year.
- Q: How often did you see that child after it was born? A: I seen it several times.
- Q: How old was it the first time you saw it after it was born, after the time that you left there?
- A: I didn't see it for 2 or 3 months after that because I was working.
- Q: Well now if your husband came in here before the Commission and testified that he didn't think that child lived 6 months then he swore to something that wasn't true didn't he?
- A: It must be.
- Q: Well now Sylvia can't you tell this Commissioner the straight of this thing? A: I am telling you the truth now.
- Q: Well it certainly don't correspond with any other tale that has been told here by these other people.
- A: I am just telling you what I know.
- Q: You know this fellow Henry Lewis, don't you? A: Yes sir.
- Q: He is the man who works for these land grafters, ain't he?
- A: Yes sir.
- Q: What interest did he have in making out that affidavit?
- A: I don't know sir, what interest he had.
- Q: How did he happen to be there when the affidavit was signed up?
- A: I don't know how it was, that man got him to sign it and I didn't know what he was signing it for.
- Q: What man got him to sign it? A: Hatch.
- Q: What does Hatch do? A: I don't know what he does.
- Q: This fellow Lewis and your husband are pretty good friends, aren't they? A: I don't know sir.
- Q: Sort a work together, don't they? A: No sir they never work together.
- Q: What was the condition of the crops when this child was born? A: Crops?
- A: Yes? A: Let's see, well the crops was very small, corn was just coming up and in some places the corn hadn't come up. Corn was up in some places and some places it was not.
- Q: You were present when Alice signed this affidavit wasn't you?
- A: Yes sir, I was in the house there.
- Q: This affidavit wasn't read over to Alice? A: No sir, I am going to tell you the truth, I don't know whether it was or not.
- Q: Where was it signed up? A: Welsetka.
- Q: In this Notary Public's office? A: Was sir.

Questions by Commissioner:

- Q: Was your husband there about the time the baby was born?
A: No sir.
- Q: Was he in that neighborhood? A: No sir.
- Q: If he wasn't down here to Muskogee, he was somewhere else he wasn't right there.
- Q: Does he come to Muskogee often? A: He used to come to Muskogee often.
- Q: What about.
- A: Filing for the children and after he got through, he ain't been back since.
- Q: Filing for other people's children? A: No sir, for his own children.
- Q: Did he come all those times and file for his children?
A: He filed for all at once but for him.
- Q: He has testified that he was in that neighborhood at the time this child was born?
Here is a question in his testimony as follows:
"How what makes you say that?"
A: I don't know, I was there about the time the child was born, but I went away and didn't come back for sometime, and when I did come back the child was dead.
- Now is that true? A: He wasn't there when the child was born.
- Q: Then he was asked;
Q: How long after its birth did you come back, did you come back within 6 months? A: Yes sir.
- Q: Was it dead then? A: Yes sir.
- Q: So it didn't live up to last Christmas, did it?
- A: No sir, I don't know exactly I can't tell, all I know is by what time the child was born but I was away when it died.
- Q: According to your recollection it was born, is that so, about last August, last summer?
- A: Yes sir, that is about the time it was born.
- Q: How do you reconcile ~~that~~ that with your statement that it lived a year? A: The reason I say it lived a year it was born in April and died this last April, that is how I know it must have been a year that it lived. It was a little fraction over a year but I can't tell you how long it was.
- Q: He answered another question as follows:
A: As near as I can remember I wasn't away in all not longer than three months.
- Q: When you came back the child was dead and buried?
A: Yes, the child was dead and buried.
- Q: If then he has stated that the child didn't live a year, has he told a lie then? A: I don't know whether he has or not, I am telling you what is true.
- Q: This question was asked:
Q: To the best of your recollection the child was born last August and you got there shortly after its birth and then went away and stayed away not more than three months, and when you came back 3 months after the first of August, you were told the child was dead and buried? A: Yes sir.

- Q: Is that true? A: I don't know I can't witness to nothing I don't know. But he was always gone, he was a man who would hardly ever stay at home.
- Q: What was he doing when he was gone? A: Working.
- Q: How? A: Sometimes on the field working.

Questions by J. G. Lieber, acting attorney for Creek Nation

- Q: Knocks around the towns most of the time, don't he Sylvia?
- A: Well we lived right there in town.
- Q: He ain't there in town very much is he?
- A: Well when he ain't working he is there.
- Q: You say he is not home very often? A: No sir, when he aint working he is gone all the time when he can't get a job there working, he would be gone.
- Q: What does he work? A: He builds chimneys and helps build houses.
- Q: But you know he don't work for any of those land buyers?
- A: Well he did a good while ago before we moved to Clearview but we have been there 3 years, before we moved there he used to work for the land men.
- Q: How do you remember so well that the child died last Spring?
- A: Last April. A: Because I know we were planting corn.
- Q: But people plant corn lots of time in March.
- A: Yes, it was cold in March so we didn't plant any corn.
- Q: You and your husband both attended the funeral of this child, didn't you? A: I am going to tell it just as near as I know, I don't know whether he was there or not I am not going to swear to it.
- Q: You lived 18 miles from Alice when this child died didn't ya
- A: I went myself in the buggy.
- Q: You don't know whether John was there? A: John wasn't home when I went off.
- Q: You don't know whether he attended the funeral or not?
- A: I didn't see him.
- Q: How long had the child been dead when you got to Alice's house? A: Well it died, it must be it died the next day I went there, they sent me word.
- Q: They sent you word right away? A: They phoned.
- Q: You still stick to it now that the child was a little over a year old when it died? A: Yes, I am satisfied and that is my belief Mister about it that it was a little over a year old when it died and I know we waited on her I can swear to that, that was the truth.
- Q: Can you swear that it lived a year? A: Well I think it lived a year.
- Q: Now you are thinking, a while ago you swore pretty hard.
- A: The reason I think it lived a year it was born in April.
- Q: You have told us that a dozen times, I am asking you now did the child live more than a year? A: I knew it lived more than a year.
- Q: In his testimony he was asked this question:
- Q: In fact you know it wasn't living when you got back three months after August? A: Yes sir.
- Q: If the mother and midwife swear it lived to March of this year, then they are either mistaken or are deliberately swearing falsely?
- A: I think they made a mistake, but I don't think either of them knows for certain."

Q: Well if ^{what} you state about coming back in three months is true, then the child could not have lived to be three months old, could it? A: No sir, it couldn't, they are mistaken."

Q: Now what do you say to that? A: I don't know.

**Robert Bruner, being first duly sworn, testified as follows:
Witness sworn by Henry G. Hains, Notary Public.**

Questions by Commissioner:

Q: What is your name? A: Robert Bruner.
Q: How old are you? A: 27.
Q: What is your post-office address. A: Henryetta.
Q: Do you know Alice Grayson? A: Yes sir.
Q: Are you any kin to her? A: First cousin.
Q: Do you know Sylvia Grayson? A: I am a relative by her husband.
Q: Do you live near Alice Grayson? A: Stays right there with her.
Q: Were you present when her child Patsy Durant Grayson was born? A: No sir.
Q: How long after her birth before you got there?
A: About 2 weeks.
Q: Was it living when you got there? A: Yes sir.
Q: When was that 2 weeks you talk about after its birth, when was that? A: Along in April.
Q: Of this year? A: Last year. I don't know just what date it was.
Q: Was it more than a year, do you mean? A: Yes sir.
Q: How long after you got back was it before the child died?
A: Along about ~~the middle~~ a week.
Q: You got there 2 weeks after it was born and it lived about a week after you got back? A: Yes sir?
Q: So it died last year then? A: Yes sir, died more than a year ago. This April gone is a year ago.
Q: Do you know that to be a fact? A: Yes sir.
Q: Were you there when it died? A: Yes sir.
Q: You knew that was in the year 1905 do you? A: Yes sir.
Q: You knew it was not in this year? A: No sir, not 1905.
Q: Was Sylvia Grayson there when it died? A: No sir.
Q: Did she go there to the funeral? A: Yes sir.
Q: You knew that funeral was in April 1905? If she swears that the funeral was in April 1906 she swears to something that isn't true don't she? A: I don't know about that, I am swearing to what I know.
Q: According to your best knowledge it didn't live a month then?
A: No sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: You know positively the child wasn't born over a month when it died, don't you? A: Yes sir.
- Q: Are you on good terms with these people Bruner? A: Yes sir.
- Q: No unfriendly feeling between you and Sylvia and you and John Grayson? A: No sir.
- Q: Bruner are you certain the child was born in April? A: Yes sir.
- Q: And died the same month, did it? A: Yes sir, died the same month.
- Q: That was April of last year? A: Yes sir, 1905.
- Q: You didn't know that you were to testify in this case until a few minutes ago did you? A: Not until a few minutes ago, I was subpoenaed.
- Q: Bruner, do you know Henry Lewis? A: Yes sir, I know him.
- Q: What does he do? A: I don't know what he does, he don't stay close to us he stays at Clearview.
- Q: Don't he work for those land buyers sometimes? A: Yes sir I can't think of that fellows name now, he is a real estate man that he has worked for at Weleetka.
- Q: You know John Grayson, of course? A: Yes sir.
- Q: What does he do? A: I don't know.
- Q: He works for those land buyers too don't he? A: He does sometimes but not often though.
- Q: Bruner on the 6th. day of last July Henry Lewis and John Grayson had Alice and Sylvia go before a Notary Public and swear that this child was born on the 1st. day of August of last year, and that he was living on the 4th. day ~~xxx~~ of this last March, do you know why he had then to do that? A: No sir, I don't.
- Q: Don't you know that was a scheme gotten up by those two fellows to get this child on the roll? A: I don't know whether it was or not, I wasn't there.
- Q: Didn't you ever hear them talking about it? A: No sir I never meddle in anybody's business at all I never heard that.
- Q: Wasn't you present when they came after Alice and they took her to the Notary Public's? A: I was present when John sent a letter for her to meet him at Weleetka.
- Q: Do you know where that letter is? A: I think it is at home.
- Q: Will you have Alice send it to the Commission as soon as you get back if you can find it? A: Yes sir.
- Q: Do you know what the letter stated? A: No sir, I don't.
- Q: Did you ever have a talk with John Grayson or Henry Lewis about enrolling this child? A: No sir.

Grayson
Alice Durant^A recalled, testified as follows:

- Q: Alice I wish you would refresh your memory now and tell the Commissioner whether this child of yours was born this year or last year? A: Well it was born, I call it last April, the way I call it.
- Q: What do you mean by last April, Alice? A: My meaning is this last April, gone, this last gone April.

- Q: Do you mean to say that it has been only a few months since the child was born? A: No sir, I ain't meaning to say a few months I am meaning to say last April gone.
- Q: Has there a winter passed since the child was born?
- A: No sir there ain't been any winter passed.
- Q: Haven't we had any winter time since the child was born?
- A: No sir.
- Q: Are you sure of that? A: No sir. The way I get it, I said last April, I meant last gone April, it looks like it ain't been no winter though.
- Q: Have you raised a crop of corn since the child was born?
- A: No sir, I haven't raised none since it was born. I never raised any corn last year.
- Q: Did you raise any this year? A: Yes, I have a small crop of corn.
- Q: This man Bruner who just testified he stays at your house don't he? A: He has just been staying there going on two years.
- Q: He was there when your child was born wasn't he?
- A: No sir, he wasn't there when it was born.
- Q: Well he was around there wasn't he? A: No sir, he wasn't around there, he had been down on "L" Creek someplace he came in two or three weeks afterwards.
- Q: Was he there when the child died? A: Yes sir.
- Q: If Bruner says the child was born and died this last April a year ago which one is correct, you or Bruner? A: I don't know sir, which one is correct, he is liable to make a mistake or even me.
- Q: Do you think you have made a mistake? A: I don't know sir.

Questions by Commissioner:

- Q: You haven't got a very good memory have you?
- A: No sir, I am kind a light minded, I ain't got my right mind enough at times, sometimes my mind comes and goes, light minded.
- Q: But you know the child was born in April, some April and died in the same month? A: Yes sir and it was my child.
- Q: Died in the same month it was born in? A: Yes sir.

Questions by John G. Lieber acting attorney for Creek Nation

- Q: The child lived until it got old enough to crawl did it?
- A: No sir it lived to turning on 4 weeks, you might just as well say 4 weeks.
- Q: Were there any other children born there in the same neighborhood about the same time when Patsy was born?
- A: No sir not any of my close neighbors.
- Q: Did anybody die about the time Patsy died?
- A: Not as I know of, it might have been out where I didn't hear of it.

Questions by Commissioner:

- Q: Did you have any preaching at that funeral?
- A: No sir.
- Q: Did you have any singing of any kind? A: No sir.
- Q: Did you have any children this year at all? A: No sir.
- Q: Never had any to die this year?
- A: No sir, I ain't got none to die this year.

- Q: Well then you were mistaken when you said this child Patry Durant was born in this year, wasn't you, you said you had no children born at all this year--was Patry must have been born last year, ain't that right?
- A: Yes I believe it is.
- Q: And she died in April of last year? A: Yes sir.
- Q: You didn't have any children to die this year?
- A: No sir.
- Q: So Patry must have been born in April of last year and died in April of last year? A: Yes sir.

This is all the evidence taken in said cause, on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before
me this 28 day of September, 1906.

Edward Merrick
Notary Public.

En. 1052.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Patsy Durant Grayson, as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on July 9, 1906, an affidavit as to the date of the birth of Patsy Durant Grayson was filed in the office of the Commissioner to the Five Civilized Tribes, and that testimony in the matter of said application was taken on July 9, 1906, September 8, 1906 and September 14, 1906.

The evidence shows that the applicant, Patsy Durant Grayson, is the illegitimate child of Alice Grayson, whose name appears on a partial roll of Creek Freedmen approved by the Secretary of the Interior on March 28, 1902, opposite number 3302 thereof, and of Philip H. Durant, whose name appears upon a partial roll of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, opposite number 1172 thereof.

The evidence as to the dates of the birth and death of the applicant is somewhat conflicting, but the great weight of it is that the child was born in the month of April 1905, and lived only for a month.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Patsy Durant Grayson as a Creek Freedman, and her application for enrollment as such is accordingly denied.

COMMISSIONER.

Muskogee, Indian Territory,

JAN 24 1907

9-8-06. Anthony Grayson, nephew of Alice Grayson, and P. H. Durant, alleged father of child testified that Patey Durant Grayson died 14 years ago and that Alice has not had a child for the 5 or 6 years. T. related that the parties who witnessed Alice's nature to the affidavit are boosters for land buyers. This day issued for Alice Grayson, mother, and Selvey Grayson, and placed in hands of G. W. Stedham for service.

IN IN

tion for Enrollment of

INDIAN CHILD

of Congress Approved
April 28, 1906.

as a citizen of

Nation.

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Commissioner.

This is to certify that I am the officer having custody of the records pertaining to the enrollment of the members of the Creek tribe of Indians, and that the above and foregoing is a true and correct of birth affidavit #416 New Born.

Muskogee, Indian Territory,
September 14, 1906.

OK. F.A.C.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1904.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
 of Patsy Durant Grayson on about 1st day of August 1905
 [Here insert name of child] born on the 1st day of August 1905
 Name of Father: Philip Durant Grayson a citizen of the Creek Nation.
 Name of Mother: Alice Grayson a citizen of the Creek Nation.
 Tribal enrollment of father: Roll # 11222 Tribal enrollment of mother: Roll No. 3302
 Postoffice: Henryetta, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Western District.

I, Alice Grayson on oath state that I am about 40
 years of age and a citizen by Freedman blood of the Creek Nation;
 that I am ~~the mother of~~ an unmarried woman, who is a citizen, by
 of the Creek Nation; that a Female child was
 [Male or Female]
 born to me on 1st day of August 1905; that said child has been named
Patsy Durant Grayson
 and was living March 4, 1906.

SEAL

Alice X. Her Mark Grayson

WITNESSES TO MARK:

Henry Lewis
 [Must be Two Witnesses] { John Grayson

Subscribed and sworn to before me this 6th day of July 1906.

My commission expires
 Nov. 16, 1909.

A.A. Hatch

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Western District.

I, Silvey Grayson, a midwife, on oath state that I
 attended on Alice Grayson, ~~an unmarried woman~~
 on the 1st day of August 1905; that there was born to her on said date a female
 child; that said child was living March 4, 1906, and is said to have been named Patsy Durant Grayson
Silvey Grayson

WITNESSES TO MARK:

A.A. Hatch
 [Must be Two Witnesses] {

Subscribed and sworn to before me this 6 day of July 1906.

My commission expires
 Nov. 16, 1909. SEAL

A.A. Hatch

Notary Public.

En. 1052

Muskegee, Indian Territory, January 28, 1907.

M. L. Mott,
Attorney for the Creek Nation,
Muskegee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Patsy Durant Grayson as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

CM-28-22

En. 1052

Muskogee, Indian Territory, January 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Patsy Durant Grayson as a Creek freedman, including the decision of the Commissioner dated January 24, 1907.

Very respectfully,

Commissioner.

Through the Commissioner of
Indian Affairs.

Inc. 6M-26-23

Bn.1052.

Muskogee, Indian Territory, January 28, 1907.

Alice Grayson,

Care of Philip Durant,

Henryetta, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Patsy Durant Grayson as a Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.

Inc. OM-28-21

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.
10242-1907.

(COPY)

February 19, 1907.

The Honorable,
The Secretary of the Interior,
Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 26, 1907, enclosing record of proceedings in the matter of the application for the enrollment of Patsy Durant Grayson as a Creek freedman, including the decision of the Commissioner rendered January 24, 1907; denying the application.

It appears from the record in this case that on July 9, 1906, an affidavit as to the date of the birth of Patsy Durant Grayson was filed in the Office of the Commissioner to the Five Civilized Tribes, and that testimony in regard to this application was taken on July 9, 1906, September 8 and 14, 1906. The evidence further shows that the applicant, Patsy Durant Grayson, was the illegitimate child of Alice Grayson, whose name appears on a partial roll of Creek freedmen approved March 28, 1902, opposite No. 3302, and of Phillip H. Durant, whose name appears on a partial roll of Creek freedmen approved March 13, 1902, opposite no. 1172.

The evidence as the date of the birth and death of the applicant is conflicting and unsatisfactory. The weight of the evidence, however, appears to be that she was born in the month of April, 1905, and was living for about a month. The affidavits filed in connection with the matter fix the date as about the 1st. of August 1905, but the affidavit of the mother was signed by a mark, and the testimony of other witnesses seems to be more reliable than the affidavit which was sworn to on July 6, 1906, about a year after the birth. There appears to be an effort made in this case to establish the fact that the child was living on March 4, 1906, (34 Stat.L. 137). However, the evidence seems clear that the child did not live to exceed three months, and even if born in the month of August, 1905, would still not come within the provisions of that law.

The Office is therefore of the opinion that the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Patsy Durant Grayson, is correct, and it is recommended that it be affirmed.

Very Respectfully,

C. F. Larrabee,

EWE-SD

Acting Commissioner.

JP.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE

February 27, 1907.

I.T.D. 4250, 4252, 4322, 4572-1907
4664, 4672, 4682, 4692-
4694, 4734-

LRS.

Direct.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship
cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
W.E. Petty, (Freedman)	January 31, 1907.
Patsy Durant Grayson, (Freedman)	January 28, 1907.
Mary Jane Hinton,	October 17, 1906.
Joanna Add (or Ard), (Freedman)	October 16, 1906.
Barney and Lissie McGey,	January 26, 1907.
Eldora Bruner, (Freedman)	January 26, 1907.
Kimichia Walker, (Freedman)	January 31, 1907.
Honey Porter,	January 26, 1907.
Lida McGulla,	January 26, 1907.
Lucindy Grayson, (Freedman)	January 26, 1907.

Copies of Indian Office letters submitting your reports
and recommending that the decisions be affirmed are inclosed.

A copy hereof and all the papers in the above mentioned
cases have been sent to the Indian Office.

10 inc. and 21 for Respectfully, Jesse E. Wilson,
Indian Of. A.E. No. 2-28-07. Assistant Secretary.

Cr.No. 1082.

Muskogee, Indian Territory, March 6, 1907.

Alice Grayson,

Henryetta, Indian Territory.

Dear Madam:

You are hereby advised that the Department under date of February 27, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Patsy Durant Grayson, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1053

CR EN 1053

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 6, 1906.

In the matter of the application for the enrollment of
Scott and Rebecca Johnson, deceased, as Creek Freedmen.

Katie Johnson, being first duly sworn, testified as follows:
Questions by Commissioner.

- Q: What is your name? A: Katie Johnson.
- Q: How old are you? A: Well I couldn't tell my age, I rough
guess it at 39 years of age.
- Q: What is your post-office address? A: Broken Arrow.
- Q: What Creek Indian town do you belong to, Arkansas, Canadian,
ian, or what? A: I used to belong to Arkansas but my
husband was belonging to the Canadian town and I think me
and my children are on the Canadian roll with him.
- Q: What is the name of your father? A: Ketch Barnett.
- Q: What is the name of your mother? A: Well she was filed
under so many names, the first one I know was Pussy Barnett
Barr, and another name was Annie Barnett.
- Q: What is the name of some of your children? A: Klock
Johnson, he is the oldest boy, and Freeland Johnson.
- Q: Any more? A: Yes, the next living one is Sydney Johnson.
- Q: Did you ever have one named Washington? A: His name is
Washington Sydney Barnett and we call him Sydney for short.
- Witness is identified as Katie Johnson, opposite Creek
Freedman roll No. 3599)
- Q: What is your purpose in appearing here today? A: I want
to see if I can enroll my two dead children.
- Q: What is the name of the child you first talked to me about?
- A: Scott Johnson.
- Q: He was a boy was he? A: Yes sir.
- Q: When was he born? A: In April.
- Q: How many years ago? A: I couldn't tell you Mister, I
can't read or write but I have witnesses who know the
children are mine.
- Q: Is Scott Johnson living? A: No sir, he died this last
Christmas a year gone. He died Thursday before Christmas,
Christmas was on Saturday.
- Q: He died just a few days before last Christmas a year ago,
did he? That was in 1904? A: I suppose so.
- Q: Don't you know last Christmas was 1905? A: I heard them
say it was 1905.
- Q: So you think this child died in 1904, was it as much as
2 years ago when it died?
- A minute ago you told me, before you were sworn, before
we began taking the examination, that your child was born
in April 3 years ago, if that is the case it was born in
April 1903, now I am asking you if this child that died
near Christmas 1904 wasn't two years old?
- Q: Was it as much as three years old? A: No sir.
- Q: Was it as much as ten years old? A: No sir.
- Q: Was it as much as 5 years old? A: No sir, you know better
than that.
- Q: Wasn't it as much as three years old? A: Somebody that
knows can figure it up.
- Q: Can't you tell the difference between 1, 2, and three years?
- A: Yes sir, but I can't call the names like the people do now.
- Q: I am asking you to tell me about how old he was when he
died? Isn't it a fact that he was just as old as you

- indicated he was in your talk with me about the age, that he was about a year old and the difference between April and December, just that number of months?
- Q: From April to December is 8 months isn't it a fact, if he was born in April of say, 1903, then he lived until the next April, 1904 and the coming Christmas he died, isn't that a fact? A: I can't get things exactly together as you have them.
- Q: How does it come that you are so ignorant of these things?
- A: I tell you I can't count either the days or months.
- Q: Can't you read at all? A: No sir.
- Q: Can't you write at all? A: No sir.
- Q: Don't you know what year this is? A: No sir.
- Q: Do you know what day this is? A: No sir.
- Q: Don't you know the day of the week? A: I know today is Thursday.
- Q: Do you know what month this is? A: I know it is July.
- Q: All you know positively, is that your child died Christmas time two or three days before Christmas a year ago last Christmas? A: Yes sir.
- Q: And that it wasn't as much as three years old when it died?
- A: Well my nephew knows just when it died.
- Q: Was he more than two years old when he died?
- A: Well if he was, even if he was, I don't know.
- Q: You know it wasn't ten years old? A: Yes sir, I know that.
- Q: You know he wasn't 5? A: Yes sir, I know that.
- Q: You know he was too young to be 4? A: It is someplace along in 2 or 3 years old when it died.
- Q: You know it wasn't more than two don't you? A: No, I don't know that positively.
- Q: What is his father's name? A: Grant Johnson.
- Q: Is he also the father of your children Freeland and Washington? A: Yes sir.
- Q: Were you married to him when Scott Johnson was born?
- A: Yes sir, I am the mother of eleven children for Grant Johnson?
- Q: Is he dead? A: Yes sir, it will be two years the first day of this coming August that he has been dead.
- Q: Did you have a midwife when Scott Johnson was born?
- A: Yes sir, Jane Norfer.
- Q: Does she live up there with you? A: Yes sir, that is my husband's sister.
- Q: So you don't know dates very well do you? Dates of months or years? A: No sir, I am honest with you from here to heaven, I don't know dates at all, I wouldn't say I do when I don't.
- Q: Did you ever make application for the enrollment of Scott Johnson before this time? A: No sir.
- Q: This is the first attempt you have made to enroll him?
- A: Yes sir, the first time, I didn't understand it and I didn't want to come without bringing some of my folks with me to show me what to do.
- Q: What is the name of the next child you want to talk about now? A: Rebecca.
- Q: Rebecca what? A: Rebecca McIntosh.
- Q: That is the name of it is it? A: Yes sir.
- Q: Are you the mother of Rebecca? A: Yes sir.
- Q: What is the name of her father? A: I don't know any other name except Babe McIntosh.
- Q: You say he is a creek freedman don't you? A: Yes sir.
- Q: We have no such name on the Creek Freedman Roll as Babe McIntosh, don't you know if he has any other name?

- A: I don't know it, that is all the name I know him by.
Q: Is he living? A: Yes sir.
Q: You are not married to him are you? A: No sir.
Q: This child Rebecca, she was an illegitimate child was she?
A: Yes sir.
Q: What was the name of the mid-wife or doctor who attended you when that child was born? A: Mary Wilson.
Q: What is her post-office? A: Red bird.
Q: Is she living? A: Yes sir, she is living.
Q: When was Rebecca McIntosh born? A: The last day of this last June gone.
Q: This last day of June past was June 30, 1906 and the year before that was June 30, 1905? A: Yes sir, I am taking your word for it.
Q: Rebecca is dead, isn't she? A: Yes sir.
Q: How long did she live? A: She lived from June on up until Easter Sunday.
Q: What date is Easter Sunday? A: I don't know sir.
Q: Did she die on Easter Sunday? A: Yes sir.
Q: What Easter, was it this Spring? A: Yes sir, in April.
Q: How does it come you happen to remember the date of death of both of these children so well? A: Because they had all been to church but me and when they came home, she was dying and they said it was Easter Sunday.
Q: Did you have a preacher at the house? A: No sir, nobody was there at home but me and the little children.
Q: Did you have a doctor when the child died? A: No sir.
Q: Where did you get the coffin when the child died?
A: I got the coffin at Broken Arrow.
Q: What was his name? A: Mr. Blair.
Q: He has an ~~undertaking office~~ store there has he?
A: He has an undertaking office there.
Q: Did you pay him for the coffin? A: I paid him some down.
Q: How much did you pay him down? A: \$5.00
Q: How much do you owe him? A: \$5.00.
Q: The coffin was \$10.00 and you paid him \$5.00, when was it you paid him the other \$5.00? A: I haven't paid the other 5 yet. After I paid him the \$3.00 I didn't pay him any more.
Q: When did you pay him \$3.00? A: This Monday gone a week ago
Q: Give us an idea of how big that baby was, two or three months or what? A: She was big enough to get to a chair and stand up.
Q: What season of the year was she born in, Spring, summer autumn or winter? A: I don't know.
Q: You know it is summer now don't you? A: Yes sir.
Q: You know the next season is fall or autumn? A: I reckon it is what you call it.
Q: Then the cold season is winter, and the next is spring which one of these four was Rebecca born in?
A: She was born in June, the last day of June.
Q: What season did she die in? A: She died in April.
Q: Is there any mark on the head-board of her grave that you know of? A: No sir.
Q: Who was present when Rebecca was born? A: My niece.
Q: Is she a grown girl? A: No sir, she was a young school girl.
Q: What is her name? A: Annie Barnett.
Q: Who else? Was anybody else there? A: The midwife.
Q: What is her name? A: Mary Johnson.
Q: Anybody else? A: No sir, that was all.
Q: Who was present at the funeral? A: Smith Mcristian.
Q: Anybody else? A: Oh, there was a lot of them at the funeral.

- Q: Give us the names of some of them? A: Mrs. Smith, Grandma Smith we call her.
- Q: What is Smith McCristian's post office? A: Broken Arrow.
- Q: Did all of them live right around there in the neighborhood?
- A: Yes sir.
- Q: How did you get the baby to the grave, did you have a carriage or wagon or buggy or anything like that?
- A: No sir, I didn't hire no carriage, I borrowed Mr. Smith McCristian's wagon.

Walter Scott Gavitt, being first duly sworn testified as follows:

- Q: What is your name? A: Walter Scott Gavitt.
- Q: How old are you? A: I am near to 29 or 30.
- Q: Well now there is some difference between 29 and 30, do you know what your exact age is? A: No sir.
- Q: What is your post-office address? A: Porter.
- Q: Do you know the applicant here? A: Yes sir.
- Q: What is her name? A: Katie Johnson.
- Q: Is she any kin to you? A: She is my Aunt.
- Q: Did you know her child Scott Johnson? A: Yes sir.
- Q: When was he born? A: I don't know exactly when.
- Q: How many years ago? A: It has been in 1903 I think if I remember right.
- Q: When did it die? A: I don't know when he died either, I wasn't up there when the child died but I think it was in 1905 when it died.
- Q: What makes you say that now? A: Well because I don't know it.
- Q: She just testified that the child died a year ago last Christmas? A: Well I don't know.
- Q: The child died on Thursday before Christmas and Christmas was on Sunday, had it lived until the following Christmas, this year it would have been a year old? Then it couldn't have died in 1905, it must have died in 1904.
- Q: Were you present when Scott was born? A: No sir.
- Q: Did you see it shortly after its birth? A: I don't know exactly, when it might have been 4 or 5 months after it was born, I knew the child when I seen it.
- Q: Don't you know about how long it lived? A: No sir, I don't know anything about how long it lived.
- Q: You don't even know that it lived up to last year do you?
- A: No sir.
- Q: You don't know much about her children at all do you?
- A: Yes sir, I know her children.
- Q: You just knew she had children? A: I don't know when it was born or died at all.
- Q: That was by her husband, Scott was it? A: Yes sir, supposed to be.
- Q: By Grant Johnson? A: Yes sir.
- Q: Is he living? A: No sir.
- Q: When did he die? A: Why he died, I don't know when he died, as near as I can recollect it was sometime in August I believe.
- Q: When? A: Last year I believe it was. 1905 I guess, I just come up with her and she told me she had never made any affidavits for this child or applied for them children.

- Q: Do you know a child or hers named Rebecca? A: Yes sir, I know it.
- Q: Rebecca what? A: Rebecca Johnson. That is all I know about it.
- Q: Do you know who the father of the child was? A: I think it was Grant Johnson.
- Q: Did you ever hear it was anybody else? A: No sir, I never heard it was anybody elses.
- Q: What made you think it was Grant Johnson?
- A: I never gave it a thought.
- Q: Was he living when the child was born? A: No sir.
- Q: How long after he died was it before the child was born?
- A: I don't know. I think it was about a year.
- Q: I want to ask you a plain question, you know if he had died a year before the child was born, he couldn't have been the father, you know that don't you? A: Yes sir.
- Q: If as a matter of fact you knew he had died as much as a year before the birth of this child, you wouldn't have given this answer, would you? A: I am only telling you what I know.
- Q: You don't know how long before the birth of the child, the man died, that is Grant Johnson?
- A: No sir, I don't know.
- Q: Can you give me the exact date of the birth of this child?
- A: No sir.
- Q: Can you tell the exact date of its death? A: No sir.
- Q: Can't you tell when Rebecca died? A: No sir.
- Q: Can you come anywhere near it? A: No sir.
- Q: You don't know anything about the dates of the birth or death of the child do you? A: No sir.

Katie Johnson, recalled, testified as follows:

- Q: Have you any witnesses here today who do know when this child was born or when it died? A: No sir, all my witnesses are at Broken Arrow.

Walter Scott Gavitt, recalled, testified as follows:

- Q: Have you ever seen Rebecca alive? A: Yes sir.
- Q: When was the last time you saw the child?
- A: The last time I saw the child, I don't remember I was home sick and she came by there, it might have been then, I was sick last August, it might have been then, I don't know.
- Q: You know it wasn't as late as last Christmas, don't you?
- A: I don't remember whether I did or not.
- Q: About when do you think the child died? A: I don't know.
- Q: You don't know whether it died in the spring, summer or autumn? A: No sir.
- Q: Were you present when it died? A: No sir, I was not.
- Q: Did you go to the funeral? A: No sir, I did not.
- Q: Were you told when it died? A: No sir.
- Q: Nobody ever told you? A: No sir.

- Q: How do you know it is dead now? A: Because I have been up there and didn't see it and she told me it was dead.
- Q: I asked you that very question a minute ago, did she tell you the child had died? A: Yes sir, and I said I didn't know, I wasn't thinking.
- Q: When was that she told you about the death of the child?
- A: I don't know.
- Q: Do you mean to say that your own Aunt would tell you something as important as that, you would go up to her house after being away a certain length of time and didn't see the child and she told you the child was dead and you can't tell the time of the year or anywhere close to when it was? A: No sir.
- Q: Do you mean to tell me it was 6 years ago? A: No sir. I know it wasn't six years ago.
- Q: You know whether it was a year ago, don't you? A: No sir. I don't know whether it was a year ago or not I was up there when the child was sick but I don't know how long ago it has been, but I think it was last fall.
- Q: You are talking about Rebecca aren't you? A: I guess so.
- Q: You are talking about Rebecca, aren't you? A: Yes sir.
- Q: You think it was last fall that you saw the baby?
- A: Yes sir.
- Q: She told you the child was dead, didn't she? A: Yes sir.
- Q: Do you know as a matter of fact whether that child was living last fall or not? A: If it was last fall when I was up there and it was sick, it was living then.
- Q: Do you know as a matter of fact whether that child was living last christmas day or not? A: No sir, I do not.
- Q: You can't say it was or was not, can you? A: No sir.
- Q: Don't you know as a matter of fact that child didn't live one single day in this year? A: No sir.
- Q: Why do you say you think you were there last fall and you know it was living then? A: Last year wasn't this year.
- Q: Don't you know then for a fact it wasn't this year? If it was dead last fall, it certainly wasn't living this year? A: No sir.
- Q: How long was it from the time you were up there and saw it sick until she told you it was dead? A: It was recently I was up there. It might have been sometime in May or April, I don't know just which.
- Q: Did she tell you how long it had been dead when you got there? A: Yes she told me when the child died.
- Q: Did she tell you whether it had been dead a hundred years or ten years or something like that? A: No sir.
- Q: Do you mean to sit up here and tell me that a man that can go to the store and buy tobacco can't tell the difference between one hundred dollars and one dollar? A: Yes sir, I know.
- Q: Did she tell you it had been dead as much as two years?
- A: No sir, the child had just died recently.
- Q: She told you the child had died recently did she?
- A: She did tell me when it was, but it wasn't long that it had died when I was up there.
- Q: What do you mean by saying it wasn't long?
- A: It might have been a month or maybe not so long, I don't know.
- Q: Might it have been two months? A: It might have been two months.
- Q: It might have been a week or ten days or it might have been two months? A: Yes sir.

- Q: You never saw it living this year did you? A: Why no, I didn't see it living in this year.
- Q: Have you been to your Aunt's house this year? A: Yes sir since.
- Q: You didn't see that child then? A: No sir, it was dead when I up there, it was along in the fall though when I was up there and the child was sick.
- Q: What was the matter with it? A: I don't know what was the matter with it.
- Q: Did they have a doctor? A: Not the day I was there.
- Q: You don't know whether they had any doctor then or not?
- A: No sir.
- Q: Did you ever hear they had a doctor for it?
- A: No sir, I knew she was giving it some medicine, I knew that
- Q: What kind of medicine? A: I don't know what kind of medicine? It was some kind of red looking medicine.
- Q: Do you know whether this child died on a week day or Sunday on a holiday or anything like that? A: No sir, I don't know that.
- Q: Your only knowledge is from what your Aunt told you?
- A: Yes sir. She told me when it died, but I have forgotten.
- Q: She told you the date it died but you can't remember that?
- A: No sir.
- Q: You don't even remember the times she was telling you that?
- A: No sir.
- Q: You can't tell whether it was Spring, summer, fall or winter when she told you?
- A: I think it was May or April when I was up there.
- Q: Which month was it now, April or May? A: I don't know which month it was, It wasn't long before the child had died.
- Q: Isn't there any way that you could go back and figure exactly when it was, when you were up there and she told you that? A: No, I don't know of any.
- Q: From what she told you, what is your recollection, whether it was a week day or Sunday? A: It seems to me that the child died on Easter Sunday or was buried on Easter Sunday I don't know just which.
- Q: Didn't she just tell you that about it? A: No sir.
- Q: If she told you it died on Easter Sunday how does it come that a little while ago you couldn't tell me anywhere near the time? A: I just had time to think of it.
- Q: I gave you plenty of time to think about it a while ago didn't I? A: Yes sir.
- Q: And now you say it seems like it was Easter Sunday.
- A: Yes sir, well when you went to asking about Sunday and week days it called to mind, it seemed like she said it was Easter Sunday she died or was buried, I don't know which.

Katie Johnson, being recalled, testified as follows:

- A: Katie do you know if anybody ever made any record of the birth of Rebecca, ever wrote it down? A: No sir, not as I know of.
- Q: You don't know whether anything was written about the death of this child? A: No sir.
- Q: How old was the child when it died? A: Rebecca? She was born the last day of this last June a year ago.

The witness is advised that she will be allowed an opportunity to introduce the testimony of the midwife who

attended her at the birth of this child and to produce two reliable witnesses who know the date of the birth and death of Rebecca.

- Q: you say her name is McIntosh? A: Yes sir.
Q: You say that your husband Grant Johnson died the 1st. of August two years ago? A: Yes sir.
Q: I can tell you now that would make it August 1st, 1904.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before
me this 12 day of July, 1906.

H. H. Harris
Notary Public.

En.1053.

JLDs.
EK.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Rebecca McIntosh, deceased, as a Creek Freedman.

D E C I S I O N .

The record in this case shows that on July 6, 1906, application was made, in testimony form, supplemented on July 11, 1906 by an affidavit, for the enrollment of Rebecca McIntosh, deceased, as a Creek Freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat.L.,137).

It appears from the evidence introduced in this cause that Rebecca McIntosh was born June 30, 1905, and died Easter Sunday of 1906, and was the illegitimate child of Babe McIntosh, a non citizen, and Katie Johnson, whose name appears on the approved roll of Creek freedmen, opposite number 3599.

The Commissioner takes judicial notice that in the year of 1906, Easter Sunday fell on April 15th.

It is, therefore ordered and adjudged that Rebecca McIntosh, deceased, is entitled to enrollment as a Creek Freedman, in accordance with the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137), and the application for her enrollment as such is accordingly granted.


COMMISSIONER.

Muskogee, Indian Territory,

FEB 16 1907

En.1053.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Scott Johnson, deceased, as a Creek freedman.

STATEMENT AND ORDER.

The record in this case shows that on July 5, 1906, application was made, in affidavit form, supplemented on July 6, 1906 by oral testimony, for the enrollment of Scott Johnson, deceased, as a Creek freedman.

It appears from the evidence filed in this cause that Scott Johnson was born in April 1903, and died in December, 1904, and was the child of Grant Johnson and Katie Johnson, whose names appear on the approved roll of Creek freedman, opposite numbers 3598 and 3599, respectively.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of Scott Johnson, deceased, as a Creek freedman, and the application for his enrollment as such is accordingly dismissed.

Muskogee, Indian Territory,

FEB 19 1907



COMMISSIONER.

Father's roll # F. ~~2679~~
Mother's roll # F. 2679

NEW BORN 343 IN 22

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 22, 1900.

Rebecca M. Dutoch

as a citizen of

Creek Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED

July 11-1906

COMMISSIONER

NEW BORN CREEK FREEDMEN.

Rec'd July 11-1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 23, 1906.

IN THE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Rebecca Johnson, born on the 30th day of June, 1905.
(Here insert name of child)
Name of Father: Babe M. Intosh a citizen of the Creek Nation.
Name of Mother: Katie Johnson a citizen of the Creek Nation.
Tribal enrollment of father: Arkansas
Postoffice: Broken Arrow, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

I, Katie Johnson on oath state that I am about 39 years of age and a citizen by adoption of the Creek Nation; that I am not the lawful wife of Babe M. Intosh, who is a citizen, by adoption of the Creek Nation; that a female child was born to me on 30th day of June, 1905; that said child has been named Rebecca M. Intosh, and was living March 4, 1906, having died last Easter Sunday. Katie Len Johnson

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 5th day of July, 1906.

H. H. Hains
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

..... District.

I,, on oath state that I attended on with on the day of, 1906; that there was born to her on said date a child; that said child was living March 4, 1906, and is said to have been named.....

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this day of 1906.

Notary Public.

Father's roll # F. 3598

Mother's " # F. 3599

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 20, 1900.

Scott Johnson

as a citizen of

Creek

Nation.

Approved..... 190...

Commissioner.

NS. Born April - 1903 }
Died Dec 22 - 1904 }

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED

July 3, 1906

COMMISSION

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Scott Johnson, born on the — day of April, 1903.
(Here insert name of child)
Name of Father: Grant Johnson a citizen of the Creek Nation.
Name of Mother: Katie a citizen of the " Nation.
Tribal enrollment of father: " Tribal enrollment of mother: Arkansas
Postoffice: Broken Arrow, D.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }

Western District. }

I, Katie Johnson on oath state that I am about 39

years of age and a citizen by adoption of the Creek Nation;

that I ^{was} am the lawful wife of Grant Johnson (Deceased), who is a citizen, by

adoption of the Creek Nation; that a male child was
(Male or Female)

born to me on — day of April, 1902; that said child has been named

Scott Johnson died 2 or 3 days before Christmas year
before last Christmas. and was living March 4, 1904.

Katie La Johnson
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { B. H. Hairs
J. C. Leavel

Subscribed and sworn to before me this 5 day of July, 1906.

H. S. Hairs
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }

..... District. }

I,, on oath state that I

attended on wife of

on the day of, 1906; that there was born to her on said date a

(Male or Female)

child; that said child was living March 4, 1906, and is said to have been named

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this day of 1906.

Notary Public.

Muskogee, Indian Territory, February 19, 1907.

Katie Johnson,

Care of Grant Johnson,

Broken Arrow, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the Statement and Order of the Commissioner to the Five Civilized Tribes dismissing the matter of the application for the enrollment of your minor child, Scott Johnson, as a Creek Freedman.

Respectfully,

Commissioner.

Register.

HCH-222-1907.

WAF 843.

Muskogee, Indian Territory, March 9, 1907.

Katie Johnson,

Broken Arrow, Indian Territory.

Dear Madam:

You are hereby advised that on March 2, 1907, the Secretary of the Interior approved the enrollment of your minor child, Rebecca McIntosh, deceased, as a Creek Freedman, and that the name of said child appears upon the roll of new born Creek Freedmen, enrolled under the act of Congress approved April 26, 1906, as number 295.

This child is now entitled to allotment, and application therefor should be made without delay, by the duly appointed administrator, at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner

CR EN 1054

CR EN 1054

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 11, 1906.

In the matter of the application for the enrollment of
Geraldine Hemmitt and Eddie Hemmitt, as Creek Freedmen.

Appearances: L. M. Mott, counsel for Creek Nation.

Charlotte Hemmitt being first duly sworn, testified as
follows:

Questions by Commissioner:

- Q: What is your name? A: Charlotte Hemmitt.
Q: How old are you? A: 35 past, was 35 last March.
Q: What is your post-office address? A: My post-office
address will be Grayson from now on.
Q: Where did you live before you came here? A: Tulsa.
Q: How long were you there? A: About a year, working out.
Q: What is the name of your father? A: James Hawkins.
Q: What is the name of your mother? A: Mary Hawkins.
Witness presents a letter from this office in which she
xxx is advised that her name and the name of her sister,
Clara Hemmitt are contained in list approved by the
Secretary of the Interior, June 16, 1906 and she is
identified opposite Creek Freedman Roll Number 5664.
Q: What Creek Indian town do you claim to belong to?
A: I don't know the name of the town, Papa knows, I can't
write and I don't know the names of different towns.
Q: How did you get enrolled? A: Papa enrolled me. Then I
came to the Dawes Commission myself. I came and put in
my application and papa enrolled me quite a while ago, had
my name put on the Creek Freedman roll.
Q: You don't know what town he had that put on do you?
A: I don't know, you see I can't read or write, I don't know
the different dates you know. My sister Carrie knows them
she can read and write but I don't.
Q: Are you married? A: Yes sir.
Q: What is the name of your husband? A: Henry Hemmitt.
Q: Did you ever have any children by anybody else? A: No sir.
Q: What is the name of the first child? A: Clara.
Q: She is enrolled here? A: Yes sir.
Q: What is the name of the next? A: Geraldine.
Q: Is she a girl or a boy? A: She is a girl.
Q: Is she here this morning? A: Yes sir.
Q: When was she born? A: A little over 2 years ago, she
will be three years old the 21st. of this coming October.
Q: Can you tell me in what year she was born? A: No sir, I
can't. A: She will be three years old the 21st.
of this coming October.
Q: If she was born on the 21st. of October, three years ago
then she was born in 1903, was she not? A: You will have
to figure that out for me.
Q: I would have to figure it out and say she was born in 1903
then before you would know it? A: Yes, I know she will
be 3 years old but I don't know what year.
Q: Do you know what year this is? A: No sir, you know I
can't read or write.
Q: You don't even know what year this is? A: No sir.
Q: What was the name of the Mid-wife or Doctor that waited on
you when Geraldine was born? A: Doctor Guess.
(The witness is advised that this office requests the
affidavit of the Doctor relative to the birth of Geraldine)

- Q: Did you ever make any application, or did you ever make out an affidavit or give testimony as you are now about the enrollment of Geraldine? A: No sir. Let me explain it ~~xxxx~~ to you. why they didn't, when I came down to enroll Mr. Bixby told me they wasn't enrolling babies and he wouldn't allow me to make out an affidavit for it.
- Q: Have you ever had any other children besides these two you have named? A: No sir, except a little boy.
- Q: What is his name? A: Eddie.
- Q: When was Eddie Hemmitt born? A: He was born this last February a year ago, and he was a year old this last February.
- Q: What time in February? A: The 20th. of February.
- Q: Do you know w at year? A: No sir, I don't.
- Q: You don't even know what year this last February was, do you? A: No sir, I don't.
- Q: How does it come you can't remember the month, even the date of the month and don't remember the year.
- Q: Well when he was born I was at Mamma's and had it set down.
- Q: But I don't think it was set down what year it was.
- Q: Did you ever make any application for the enrollment of Eddie? A: No sir.
- Q: You have explained to me why you did not enroll for your child Geraldine three years ago, because they were not enrolling babies at that time, there was no law for the enrollment of children when Geraldine was born, but why didn't you come in to enroll for Eddie last year?
- A: They had to wait until I could file myself until I could make application for these two babies.
- Q: So because your enrollment has not been approved until this year in June, you thought there would be no use to make application for them before? A: Yes sir, that is what I thought.
- Q: Is Eddie living? A: No sir, he is dead.
- Q: When did he die? A: The 15th. of April.
- Q: What year? A: This year.
- Q: This last past April? A: Yes sir.
- Q: How old was he when he died? A: He was just a little over a year old.
- Q: How much over a year? A: A year and a little over as near as I can come at it.
- Q: Who was the doctor or mid-wife who was present when he was born? A: Mamma.
- Q: What is her name? A: Mary Hawkins.
- Q: Where is she now? A: At home.
- Q: At Grayson? A: Yes sir.
- Q: Was anybody else present when the child was born? A: Yes sir, my sister.
- Q: What is her name? A: Jane.
- Q: Jane who? A: Jane Sheppard.
- Q: Is she here today? A: No sir.
- Q: Anybody else? A: No sir.
- Q: That is all that was there when this child was born, your mother and sister? A: Yes sir.
- Q: Who was present when the child died? A: Several people.
- Q: Name some of them? A: There was my sister out here was present, Carrie Hawkins.
- Q: Out where? A: The one who was in here a while ago.
- Q: Go on? A: Sister, and Mamma and my husband and Papa and Jane Batts, and Carrie, they were present when it died.

- Q: Did you have a Doctor when the child died? A: Yes sir.
- Q: What was his name? A: I wasn't much acquainted with the doctor I had I have forgotten his name.
- Q: He was out here at Wild cat. S. J. Smith was it? He was a colored doctor out there. Before it died I carried it home.
- Q: Did you pay this doctor? A: No sir.
- Q: Do you still owe him? A: Yes sir, I can't think of his name because it is a strange name.
- Q: Did you know it? A: I guess so but I don't know his name now as soon as I got there they called and got the doctor.
- Q: Who buried the child? A: Papa.
- Q: Didn't you have an undertaker? A: No sir.
- Q: It wasn't big enough for an undertaker was it? A: No sir Papa went and got the casket.
- Q: Where did he get that casket? A: At Okmulgee I think
- Q: From whom do you know? A: I don't know.
- Q: Did he pay for it? A: o sir, I don't think it is paid for I haven't paid for it.
- Q: Where was the child buried? A: Buried out at Papa's.
- Q: At Grayson? A: Yes sir.
- Q: Was it buried in a regular burying ground or not? A: Yes sir.
- Q: What is the name of the grave-yard? A: Hawkins Grave yard
- Q: Does anybody keep any record of the people buried there? A: Not as I know of.
- Q: Would that witness you have out here be likely to know the name of the firm you bought the casket from? A: I expect so. Papa got it.
- Q: Are you sure the child was over a year old when it died? A: Yes sir.
- Q: How much? Was it a day or not? A: No sir, it was about over a month. It died the 15th. of April.
- Q: How does it come one who is so ignorant that they don't know what year this is, don't know what year last year was can tell the date when it died? You don't know what year last year was, do you? A: No sir, I don't.
- Q: Don't know any year do you? You are so ignorant that you can't tell that and yet you can give the exact date of the month of the birth and death of this child and can't tell how old you are? A: I had the day and month set dwn.
- Q: You can remember it for that reason? A: Yes sir.
- Q: Who set it down for you? A: Sister Jane.
- Q: What did she set it down on? A: On a piece of paper.
- Q: In a book or on a slip of paper? A: On a slip of paper.
- Q: What did she set it down with, a pen or pencil? A: Pencil
- Q: Did she set down the date of the birth and death both? A: Yes sir.
- Q: What did she write down about the birth? A: Just when it died and all.
- Q: What did she say? A: She said when it was born and died the 15th. of April.
- Q: She didn't set down the year? A: She might.
- Q: Didn't you tell me a minute ago that the reason you could tell me the exact date of the month was because she set it down, and couldn't tell me the year because she didn't set it down? A: She might have set it down and I not remember it.
- Q: Did you ever see that writing? A: Yes sir, I seem it but if I did see it I wouldn't know it, I scarcely know my a, b c's.
- Q: A person who can scarcely read the a, b, c's and yet can give the exact date of the day and month when the child was born and died, how is that?

A: I can't read or write.

Q: What day is today? A: Today is Wednesday ain't it? Q: Yes

Q: What day of the month is it? A: Well now I don't know

Q: Do you know what month this is? A: No sir, I don't.

Q: Do you know what month last month was? A: Let's see, this is July ain't it? A: We are not here to tell you, we are asking you.

I

A: I don't know one month from the other unless I ask somebody to ~~me~~ tell me, I will tell you the truth about it.

Q: You don't know what month your child was born in or when it died unless you ask somebody is that it? A: Yes sir

Q: Who told you what month the child was born in? A: My sister.

Q: What is her name? A: Jane.

Q: Do you know whether she had any better means of knowing than you? A: Yes she has a splendid education, she had a schooling.

Q: When did she tell you the day of the month and week?

A: When it was born.

Q: When did she tell you the day of the month? ~~At~~ on which it died? How did she tell you that? A: She said if you ever try to enroll for this baby I will take a record of the death and all and keep it so she has a record of it. I thought I would come by and get it but I was in such a hurry I didn't stop to get it.

(Witness is advised that she should bring that record along with the party who made it, for examination by this office)

Carrie Hawkins being first duly sworn testified as follows:
Questions by Commissioner:

Q: What is your name? A: Carrie Hawkins.

Q: How old are you? A: About 25, I don't know if I am sure.

Q: What is your post-office address? A: Grayson.

Q: Are you enrolled as a Creek Freedman? A: Yes sir

Q: Under what name? A: Carrie Devost, I was filed under that name. My father enrolled me under the name of Carrie Hawkins.

Q: What is the name of your father? A: James Hawkins.

Q: What is your mother's name? A: Mary Hawkins.

I filed under the name of Carrie Bruner, my first father.

Q: How many father's did you have? A: I didn't have but one to my knowing.

Q: Do you know Charlotte Hemmitt? A: Yes sir.

Q: Are you any kin to her? A: Yes sir

Q: What kin? A: Sister.

Q: You are her sister? A: Yes sir.

Q: How many children did she have, you sister? A: Sister Charlotte has had three to my knowing.

Q: One is enrolled with her ain't it? A: Yes sir

Q: What is its name? A: Clara.

Q: The one that is with here today what is its name? A: I know the baby and have forgotten its name.

Q: Is it a boy or girl? A: It is a girl I know. We never call her anything but baby darling and I never can think of her name.

Q: When did she have any other children after this one you call baby darling? A: Yes sir.

Q: What was its name? A: I don't know.

Q: Don't know its name, was it a boy or a girl? A: Boy.

Q: Is it living? A: No sir.

- Q: Now just think Clara and tell us about how old the child was when it died? A: The child was something over a year old.
- Q: Are you sure of that? A: Yes sir.
- Q: How do you know it was a year old? A: From the time she told me the child was born up to the time it died I know it was over a year old.
- Q: Then taking the dates she gave you you can figure it up? From your knowledge of the case I want you to testify, and not from any particular dates she had drummed into your head. We can figure that our ourselves if she were to give us the date of its birth and death.
- A: The reason I took the dates she gave me, I wasn't there.
- Q: Were you there when it was born? A: No sir.
- Q: Were you there when it died? A: No sir I only saw the child.
- Q: Have you ever seen it living? A: Yes sir.
- Q: Did you ever see it walking? A: Yes, it was walking when I seen it, I knew the child was that old, I was in Texas and when I came back I seen the child.
- Q: Tell us as near as you can when it was you saw the child?
- A: I don't know, I couldn't say.
- Q: Was it this last month or the month before this or even in this year? A: When did I come back from Texas? It was sometime during the month of June.
- Q: This past June? A: Yes sir.
- Q: Did you go back to Texas then? A: No sir, I didn't go back to Texas.
- Q: How does it come you never saw the child again? A: I never went home any more.
- Q: How far did you live from her? A: I have been in Texas and Kansas City and Parsons, and hardly ever come home. Sometimes a child is born and lives a couple of years before I have seen it.
- Q: Did you hear that child died right after you saw it?
- A: No sir, she told me when it died when I came back here the other day.
- Q: That is all you know about it? A: Yes sir, that is all I know about it.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before me
this 25, day of July, 1906.

H. H. Lewis

Notary Public

KN.1054.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE INDIAN TERRITORY, JANUARY 18, 1907.

In the matter of the application for the enrollment
of Eddie Hemmitt, deceased, as a Creek Freedman.

Appearance: Jay P. Farnsworth, representing Attorney
for the Creek Nation.

EXAMINATION BY THE COMMISSIONER:

- Q: What is your name? A Charlotte Hemmitt.
Q: Have you testified before in this case? A Yes sir.
Q: You had a child named Eddie Hemmitt? Yes sir.
Q: When was he born? A February 20th.
Q: What year? A I don't remember, I don't know what year,
it lived to be a little over a year old.
Q: When did he die? A 15th of April.
Q: How old was he when he died? A Over a year old, about a
year and a month old.
Q: Did you not tell me just a while ago, before I swore
you that he was a year and 15 days old? A Yes sir, but I made
a mistake, it lived to be a year and a little over a month
old.
Q: How did it come that you made a mistake? Just now and said
it lived a year and 15 days, if it lived more than that?
A Well, I just never thought about it.
Q: Were you not told when you came in here and made the orig-
inal application in July, 1906, that inasmuch as you did
not know dates very well, to bring in your sister Jane,
whom you said has a good education, and to bring in that
record she made? A Well you said you would let me know.
Q: Have you got her here today with that record? A No sir.

To the witness:

You are advised that you will be allowed 5 days in
which to have Jane appear here with any record she may have
about the date of the birth and death of said child.

I, Elizabeth Knight, being duly sworn, state that the
above and foregoing is a true and correct transcript of my
stenographic notes on said date, in said cause.

Elizabeth Knight

Subscribed and sworn to before me on this the 19th day
of January 1907.

Edward Morris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 30, 1907.

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In the matter of the application for the enrollment
of Eddie Hemmitt, deceased, as a Creek freedman.

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APPEARANCE:

JAY P. FARNSWORTH, Jr., appears for M. L. Mott,
Attorney for the Creek Nation.

-----:-----

CHARLOTTE HEMMITT, being first duly sworn by Henry
G. Haines, a notary public, testified as follows:

- Q What is your name? A Charlotte Hemmitt.
Q You have testified several times in this case, haven't you?
A Yes, twice.
Q Have you obeyed the instructions of this office and brought
in today your sister, Jane, together with the record she
has as to the birth and death of your child, Eddie Hemmitt?
A No. Q Why not? A Well I just thought papa would do as he
was there when he died.
Q What have you brought in today? A I brought my father.
Q What is his name? A James Hawkins.
Q What does he know about your child?
A Well he known all about the birth and death of it.
Q Has he any record of it.
A No, he has not got a record of it, but known all about it.
Q Didn't you tell us your sister, Jane, had a record? A Yes sir.
Q And didn't we tell you to have her come in with that record?
A Yes sir.

(Witness Excused)

-----:-----

JAMES HAWKINS, being first duly sworn by Henry G.
Haines, a notary public, testified as follows:

- Q What is your name? A James Hawkins.
Q How old are you? A I am sixty-three years old.
Q What is your post office address? A Grayson.
Q Do you know Charlotte Hemmitt here? A Yes sir, she is my
daughter.
Q How many children has she, living and dead? A One.
Q What is its name? A Eddie.
Q When was it born, do you know? A February 15, 1906.
Q When did he die? A He died in 1906.
Q How old was he when he died?
A He was a year and a half old when he died in 1906.

- Q Can you tell what month he died in? A October.
Q In October, 1906? A Yes sir.
Q On what day of October did he die, do you know?
A I don't remember just what day it was now.
Q How is it that you remember that this child, Eddie, died in October, 1906?
A It is according to my remembrance.
Q What month is this? A January.
Q What year? A 19 --- I disremember now.
Q Could you not be mistaken about that October, 1906, if you disremember what year this is? No answer.
Q What day in February, 1905, was this child born, do you know?
A I don't know exactly what day it was: I couldn't keep the exact time.
Q What is the name of your wife? A Mary Hawkins.
Q Was she the midwife when this child was born? A Yes sir.
Q Were you present when this child, Eddie, died?
A Yes sir, I was there.
Q What day of the week was it? A I don't remember now.
Q Did they have a doctor in the last sickness of this child?
A Doctor passing through the country out there at Wildcat.
Q Do you know his name? A His name is --- No sir, I don't know his name: He was a stranger to us but we called him in.
Q Do you know S. J. Smith?
A Yes sir, he goes for a doctor but I never handled him that way.
Q He was the notary public before whom affidavits were made out in this case? A Yes sir.
Q He wasn't the doctor that waited on Eddie? A No sir.
Q Who else was there when this boy, Eddie, died?
A Just my family.
Q Was Jane there? A That's my daughter -- one of the family.
Q Do you know whether she made any record of the date: did she write it down near the time that the boy died?
A No sir, I don't remember her writing it down.
Q Did you ever see any record she made of either the birth or death of Eddie? A No sir, never showed it to me.
Q Did you have any preaching there when the child died?
A No sir, didn't have any preacher: preachers were scarce.
Q Did you have anybody to do the preaching or conduct the services? A No sir.
Q Did you have any singing or anything like that?
A No sir, we don't have any singing over baby about a year old.
Q Did you have an undertaker to bury this child, Eddie?
A No sir, we didn't use anybody but I was at the head of it and buried it.
Q Did you dig the grave? A No sir.
Q Who did? A Elisha Shepard was one of them.
Q Is that the husband of Jane? A Yes sir.
Q Who else? A My boy down there -- my son Victor Hawkins.
Q Didn't buy any coffin from the store did you? A No sir.
Q Who made the coffin? A Clem Canada.
Q Is he living? A He died about a month ago.
Q Where is this child Eddie Hammitt buried?
A About a mile from Grayson.
Q Which way? A South east.
Q Is there any writing on the footboard over that grave telling when he died? A No sir.
Q Is it burried in a regular grave yard? A Burried on my place.
Q Private grave yard? A Yes sir.
Q Could you find that grave now? A Yes sir.

- Q There is no mark at all on it? A No sir, no mark at all.
 Q What caused Eddie's death? A He just took sick and died.
 Q Your daughter has another child named Geraldine? A Yes sir.
 Q Is that child living? A Yes sir.
 Q Do you know when Geraldine was born? A She was living at South McAlester.
 Q You don't know the date of Geraldine's birth, do you? A No sir.
 Q Is she older than Eddie? A Yes sir.
 Q Now James, your daughter, Cla Flotte Hammitt, has testified several times that this child died in the month of April. April is considerably before the month of October. Can you positively swear that this child died in October when she has sworn in April, 1906? A Yes sir.
 Q Are either of you mistaken about the death?
 A I thought I was right.
 Q Now, you not only testified that this child, Eddie, died in October, 1906, but you testified that it was a year and a half old when it died, which would be about October from your other testimony about the birth. What we want to get at is the date of the child's birth and death. Can you tell us? Are you the grandfather of Eddie Hammitt and are you willing to swear that he lived as much as one year? A I suppose so, yes.
 Q Then you are not positive if you only suppose so, are you.
 A Yes, I am positive.
 Q Do you know how much a year from February, 1905, would be?
 A February is a year and then to October would be the half.

QUESTIONS BY JAY P. FARNSWORTH:

- Q When was this child born? A In February.
 Q What year? A 1905.
 Q What part of February? A I disremember what date.
 Q Do you know whether or not it was born in February?
 A Yes sir, it was born in February.
 Q How do you happen to know that the child was born in February?
 A I was there.
 Q Was the child born at your house? A Yes sir.
 Q Can you read or write? A No sir, I can't read or write.
 Q Do you know whether the date of the birth of this child was put down or not?
 A No sir, I don't know whether it was put down or not. If it was, it was not known to me.
~~How long did this child live? A He lived till 1906.~~
 Q How long did this child live? A He lived till 1906.
 Q What month did it die in? A I don't know but my understanding is October.
 Q Were you present when the child died? A Yes sir.
 Q Who else was present when the child died?
 A The family was there -- my wife and children.
 Q What is your wife's name? A Mary Hawkins.
 Q Are any of your children grown? A All of them grown.
 Q Who else was present besides your wife?
 A Jennie Shepard, my wife and me.
 Q Wasn't the mother of the child there? A Yes she was there.
 Q Wasn't the father of the child there? A No sir.
 Q Where was he? A I don't know where he was.
 Q How long had the father been absent?
 A They been parted a little over a year -- about two years now.
 Q Was this child able to walk when it died? A Just was a stepping.
 Q Could it talk? No it was not old enough to talk. A baby a year old can't talk plain enough for anyone to understand it.

- Q Then the baby was only a year old when it died?
A It was over a year old when it died.
Q Well if it was over a year old couldn't it talk?
A Some children when they are over a year old you can't understand them. Q
Q What month is this now? A January.
Q And you know that this child died in October, 1906? A Yes sir.
Q You are positive about that are you? A Yes sir.
Q Then if the mother said this child died in April, 1906, she was mistaken, was she? A Yes, I know I'm not mistaken.
Q Was there anything happened during that month of October that caused you to remember that it was in October that this child died? A No sir.
Q You just remember that it died in October?
A That's all I remember.

(Witness excused)

I, J. Winston Hill, state on oath that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in above cause on said date.

J. Winston Hill

Subscribed and sworn to before me this 31st day of January, 1907.

Edward Morris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the applications for the enrollment of Geraldine Hemmitt and Eddie Hemmitt, deceased, as Creek freedmen.

D E C I S I O N .

The record in this case shows that on July 11, 1906, applications were made, in affidavit form, supplemented on said date by oral testimony for the enrollment of Geraldine Hemmitt and Eddie Hemmitt, deceased, as Creek freedmen, under the provisions of the Act of Congress approved April 26, 1906, (34 Stat. L., 137).

In the matter of the enrollment of said Geraldine Hemmitt, a further affidavit was filed on August 25, 1906, and in the matter of the enrollment of said Eddie Hemmitt, deceased, testimony was taken on January 18, 1907, and further testimony on January 30, 1907, and the same is made a part of the record in this cause.

An affidavit regarding the birth of said Eddie Hemmitt, executed by Mary Hawkins, on July 31, 1906, is also attached to and made a part of the record herein.

It appears from the evidence filed in this cause that Geraldine Hemmitt and Eddie Hemmitt, were born October 21, 1903, and February 20, 1905, respectively, and that they were living March 4, 1906: that said Eddie died subsequently and that both were the children of Henry Hemmitt, a non-citizen, and Charlotte Hemmitt, whose name appears opposite No. 5664 on the approved roll of Creek freedmen.

It is therefore, ordered and adjudged that the said Geraldine Hemmitt and Eddie Hemmitt, deceased, are entitled to enrollment as Creek freedmen in accordance with the provisions of the Act of Congress approved April 26, 1906, (34 Stat. L., 137), and the applications for their enrollment as such are accordingly granted.


Commissioner.

Muskogee, Indian Territory,

APR 12 1907

APR 16 1907

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

I, Mary Hawkins a midwife, on oath state that I
 attended on Charlotte Hemmick wife of Henry Hemmick
 on the 20 day of Feb, 1905; that there was born to her on said date a male
 child; that said child was living March 4, 1906, and is said to have been named Eddie
Hemmick

WITNESSES TO MARK:

[Must be Two Witnesses] { Victor Scott
Henrietta Batts

Subscribed and sworn to before me this 31 day of July, 1906.

Samuel J. Smith
 Notary Public.

Mother's roll # F5664

NEW BORN 418

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 22, 1902.

Eddie Hemmuth

as a citizen of

Creek Nation.

Approved..... 190...

Commissioner.

Born Feby 20, 1905
Died Apr. 15, 1906

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

July 11-06.

COMMISSIONER.

NEW BORN CREEK FREEDMEN.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Eddie Hemmitt, born on the 20 day of Feb 1905.
[Here insert name of child]
Name of Father: Henry Hemmitt, a citizen of the U.S. Nation.
Name of Mother: Charlotte, a citizen of the Creek Nation.
Tribal enrollment of father: _____ Tribal enrollment of mother: Roll # F. 5664
Postoffice: Grayson, D. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

I, Charlotte Hemmitt, on oath state that I am 35
years of age and a citizen by adoption of the Creek Nation;
that I am the lawful wife of Henry Hemmitt, who is a citizen, by
_____ of the U.S. Nation; that a male child was
[Male or Female]
born to me on 20 day of February, 1905; that said child has been named
Eddie Hemmitt, and was living March 4, 1906, + died April
15-1906. Charlotte Hemmitt

WITNESSES TO MARK:

[Must be Two
Witnesses]

H. H. Staines
Edward Merrick

Subscribed and sworn to before me this 11 day of July, 1906.

H. H. Staines

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

_____ District.

I, _____, a _____, on oath state that I
attended on _____, wife of _____
on the _____ day of _____, 1906; that there was born to her on said date a _____
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named _____

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this _____ day of _____, 1906.

Notary Public.

Mother's roll # F. 5664

199

NEW BORN 4/18 IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 26, 1906.

Geraldine Hemmuth

as a citizen of

Creek

Nation.

Approved..... 190...

Commissioner.

Born Oct. 21, 1903

July 11-06

NEW BORN CREEK FREEDMEN.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
 of Seraldine Hemmitt, born on the 21 day of October, 1903
 (Here insert name of child)
 Name of Father: Henry Hemmitt a citizen of the U.S. Nation.
 Name of Mother: Charlotte a citizen of the Creek Nation.
 Tribal enrollment of father: Tribal enrollment of mother: Roll # F. 5444

Postoffice

Tulsa, I. T. Greenwood Agency

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory.

Western

District.

Child present

I, Charlotte Hemmitt on oath state that I am 35
 years of age and a citizen by adoption of the Creek Nation;
 that I am the lawful wife of Henry Hemmitt, who is a citizen, by
U.S. Nation; that a female child was
 (Male or Female)
 born to me on 21 day of October, 1903; that said child has been named
Seraldine Hemmitt, and was living March 4, 1906.

Charlotte Hemmitt
mark

WITNESSES TO MARK:

[Must be Two
Witnesses]H. Hains
Edward HovrickSubscribed and sworn to before me this 11 day of July, 1906.H. Hains

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory.

Western

District.

Dr. James E. Luss a physician on oath state that I
 attended on Charlotte Hemmitt wife of Henry Hemmitt
 on the 21 day of Oct., 1903; that there was born to her on said date a Female
 (Male or Female)
 child; that said child was living March 4, 1906, and is said to have been named Seraldine

HemmittJames E. Luss, MD

WITNESSES TO MARK:

[Must be Two
Witnesses]Subscribed and sworn to before me this 20 day of Aug., 1906.John W. D. Hope

Notary Public.

My Commission
19 Jan. Oct. 23, 1909

KBP 418.

Muskogee, Indian Territory, March 9, 1907.

Charlotte Hemmitt,

c/o Henry Hemmitt,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that on March 2, 1907, the Secretary of the Interior approved the enrollment of your minor children, Geraldine and Eddie Hemmitt, as Creek Freedmen, and that the names of said children appear upon the roll of Creek Freedmen, enrolled under the act of Congress approved April 26, 1906, as numbers 305 and 306, respectively.

These children are now entitled to allotment, and applications therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1055

CR EN 1055

Mother's roll # F. 5606.

NEW BORN 419 100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 28, 1908.

Earnest Good

as a citizen of

Creek Nation.

Approved..... 190...

Commissioner.

Born May 17, 1905,

July 18-06.

NEW BORN CREEK FREEDMEN.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Earnest Good, born on the 17 day of May, 1905.
[Here insert name of child]
Name of Father: Worcester Good a citizen of the U. S. Nation.
Name of Mother: Minewa a citizen of the Creek Nation.
(en. Green)
Tribal enrollment of father..... Tribal enrollment of mother.....
Postoffice: Earlsboro, D. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
..... Western District. } child present
I, Minerva Good, on oath state that I am 18
years of age and a citizen by adoption of the Creek Nation;
that I am the lawful wife of Worcester Good, who is a citizen, by
..... of the U. S. Nation; that a male child was
[Male or Female]
born to me on 17 day of May, 1905; that said child has been named
Earnest Good, and was living March 4, 1906.

Minerva x Good
her mark

WITNESSES TO MARK:

[Must be Two
Witnesses]

H. H. Hains
Fred S. Cook

Subscribed and sworn to before me this 18 day of July, 1906.

H. H. Hains

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I,, on oath state that I
attended on wife of
on the day of; that there was born to her on said date a
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named.....

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this day of 1906.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 18, 1906.

In the matter of the application for the enrollment of
Earnest Good, as a Creek Freedman.

Appearances: J.G.Lieber, Attorney for Applicant.
(No appearance on behalf of the Creek Nation).

Minerva Good, being duly sworn, testified as follows:

By the Commissioner:

- Q What is your name? A Minerva Good.
Q Have you any other name? A Nora ~~Good~~ Green.
Q A minute ago when you were asked what your name was you said Nora, you didn't say anything about Minerva, what made you say Nora Green and Nora Good before you said Minerva? That was my maiden name before I was married.
Q Nora or Minerva Green was your maiden name? A Yes sir.
Q What is your age? A 19.
Q When were you 19? A This last gone January.
Q What is your post office address? A Earsboro O.T.
Q What is the name of your father? A Jeff Green.
Q Was he a citizen of any of the Five Tribes? A Not as I know of.
Q Is he living? A No sir.
Q How long has he been dead? A About four years.
Q What is the name of your mother? A Sarah Green.
Q Is she living? A Yes sir.
Q Is she a citizen of any of the 5 tribes? A No sir.
Q Is she a citizen of any of the Nations? A Not the Creek Nation.
Q She is not? A No sir.
Q Was Jeff your father a citizen of the Creek Nation? A Yes sir.
Q Have you any brothers and sisters enrolled with you?
A Yes sir.
Q What are their names? A They were put on the roll as Wash and Jim Green.
Q Was Wash put down as Wesley? A His name is Wesley, but he was put down as Wash.
Q Have you made a selection of land in the Creek Nation?
A No sir. Mamma done the filing.
Q Did any one for you make a selection in the Creek Nation?
A My mother done all the filing.
Q What Creek Indian town do you belong to? A I don't know.

Witness is identified as Minerva Green opposite Creek Freedmen Roll No. 2606.

- Q What is the name of this child here? A Earnest Good.
Q What is the name of the father of this child? A Worcester Good.
Q Are you married to him? A Yes sir.
Q How long have you been married? A About two years.
Q Isn't it a fact that your name now is Minerva Good, now that you are married to him? A Yes sir.
Q Why did you say Minerva Green, you meant that you were enrolled that way? A Yes sir.

Q When was this child born? A 17th of May.
Q What year? A Last May.
Q How old is this child? A Year and two months old.
Q Did you ever make application for its enrollment before?
A No sir.
Q Has anybody that you know of? A No sir.
Q How does it come that you have waited ^{fully} near three months to make application for its enrollment? A I just didn't get down until now.

You are advised that you should furnish this office with a certified copy of your marriage license, showing the change in your name from Green as it is on the final roll, to the name of Good, as you say it is now.

Q You didn't try to enroll this baby last year? A No sir.
Q What was the midwife of the doctor or midwife who attended you at the birth of this child? A My mother Sarah Green was the midwife.

You are advised that you must furnish this office with her affidavit.

Q Worcester Good is not a citizen of the Creek Nation? A No sir.
Q State man? A Yes sir.
Q How do you spell that name, Good? A I don't know sir, I can't read or write.
Q There is one way to spell it and that is G-o-o-d-e, but you spell it G-o-o-d. You think that is right? A Yes sir.
Q Is it a boy? A Yes sir.

Worcester Good, being duly sworn, testified as follows:

Q What is your name? A Worcester Good, I sign it W.W.C.Good.
Q How do you spell Good? A G-o-o-d.
Q There is no "e" on the end of it? A No sir.
Q What is your age? A 21.
Q What is your post office? A Shawnee, O.T.
Q How does it come that your wife's post office is Earlsboro and yours is Shawnee? A It comes -- my mail comes to my father's box. If she said Earlsboro was her post office, she was wrong.
Q Do you live together? A Yes sir.
Q How long have you lived together? A About five or six years. Around Earlsboro? A Yes sir.
Q How long has your wife Minerva been there? A I don't know, she was there before I came to this country.
Q Has she been in Earlsboro the last five or six years?
A Yes sir.
Q Lived there continuously? A Yes sir.
Q Did you ever hear her claim any other place as her home?
A When they left to go up there they came from down here.
Q Is that your child here, Barnett? A Yes sir.
Q How old is he? A About a year and a month old, I don't know just how old he is. He was a year old the 17th of last May.
Q Did you have a midwife or doctor? A No one but the mother was there.
Q Nobody but her mother? A Yes sir.
Q What is your wife's name? A They call her Minerva.
Q Have you ever called her anything else? A Not as I know of.
Q I have never called her anything but Minerva, that is what I call her.
Q Are you living in Earlsboro?

- Q Are you living in Earlsboro? A No sir.
Q Where do you live? A About eight miles from there.
Q You live in Oklahoma? A Yes sir.
Q How long have you lived there? A 14 years.
Q Have you lived there ever since you first left the Creek Nation? A Yes sir.
Q You lived with your mother? A Yes sir.
Q Been living there 14 years? A Yes sir, she left there this year and moved down in the Creek Nation down to Yuba (Newby)
Q What Nation is that in? A In the Creek Nation.

Lena Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lena Merrick

Subscribed and sworn to before me this 25th day of July, 1906.

H. H. Haines

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 18, 1906.

In the matter of the application for the enrollment of
Wesley Green, Minerva Green and Jim Green, as Creek Freedmen.

Appearances: J.G.Lieber, attorney for applicant.

Copy of the testimony in the matter of the applica-
tion for the enrollment of Basrnest Good, as a new born Creek,
is ~~he~~ referred to, taken this day.

Minerva Good, being duly sworn, testified as follows:

- Q What is your name? A Minerva Good.
Q What was your maiden name? A They called me Nora.
Q What did they call you before you married this man Good?
A Nora Green.
Q What is the name of your mother? A Sarah Green.
Q Is she a citizen of the Creek Nation? A No sir.
Q She is a state woman? A Yes sir.
Q What is the name of your father? A Jeff Green.
Q Is he a citizen of the Creek Nation? A Yes sir.
Q Have you a brother named Wesley Green? A Yes sir.
Q Is he known by any other name? A Wash Green.
Q Have you a brother named Jim Green? A Yes sir.
Q Is your father living? A No sir.
Q How long has he been dead? A Been dead about 14 years.
Q Is your mother living? A Yes sir.
Q Are you living with your mother? A No sir.
Q Living with your husband? A Yes sir.
Q What is the name of your husband? A Worcester Good.
Q When were you married to him? A About two years ago.
Q Have you got your marriage license? A Yes sir.
Q You got that? A Yes sir.
Q Were you married by a preacher? A Yes sir.
Q Where did you and your husband live, where do you live?
A Now?
Q Yes. A Oklahoma, in Shawnee.
Q How long have you lived there? A About six months.
Q Where did you live before that? A Karlsboro.

Objected by attorney: Mr. Niles, what is the purpose of
this investigation? A The purpose of this investigation is to
ascertain as to whether Wesley Green, Minerva Green and Jim Green,
were rightfully enrolled as Creek Freedmen.

It appears from the testimony that was taken in a previous
proceeding by the present witness that she and the members of her
family were, for several years past, and are now, residents of
the territory of Oklahoma.

Mr. Lieber: What is the present status of their citizen-
ship case? A It appears from the records of this office that the
names of Wesley Green, Minerva Green and Jim Green, are listed
on Creek Freedman Card Field No. 2025, and that their names
are listed upon a partial schedule of Creek Freedmen, approved by
the Secretary of the Interior November 27, 1905, opposite Roll
Nos. 5605, 5606, and 5607, respectively.

Q Then as a matter of fact their citizenship case was
closed on the 27th day of November, 1905. A The enrollment of
these persons was approved by the Secretary of the Interior on

the date mentioned.

Q This proceeding then is in fact an attempt to reopen or reconsider their citizenship case? A As to the purpose of this examination, the attorney for the applicant has been advised. As to the right of the Commission in having this proceeding, the attention of the attorney is respectfully invited to the law.

Mr. Lieber: We desire here to refer to Section 1 of the act of April 26, 1906, commonly known as the Curtis Bill, which section provides that "No motion to reopen or reconsider any citizenship case in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered, except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act", and to object to any further proceeding in this case.

By the Commissioner: Objection noted.

Q Where did you live prior to your residence in Shawnee and Earlsboro, Oklahoma? A I lived in Earlsboro before going to Shawnee?

Q How long did you live there? A Six years.

Q Where did you live before you went to Earlsboro Oklahoma?

A Down here at Okmulgee.

Q How long have you lived in Shawnee? A About six months.

Q Then you have been a resident of the state of Oklahoma for the past six years? A I have been over here at Okmulgee 14 years, just lived in Oklahoma six years.

By Mr. Lieber: We object to the question for the reason that the question of residence is a question of law to be determined by the facts.

By Commissioner:

Q When did you ~~first~~ leave Indian Territory, the first time you left here? A I don't know exactly when it was.

Q Q Were you quite a small child when you left? A I don't know.-----Yes sir.

Q About how old were you? A I don't know sir.

Q How long has it been since you left the Indian Territory?

A I don't know sir how long.

Q Where did you live before living in Earlsboro? A Tecumseh.

Q Is that Tecumseh, Oklahoma? A Yes sir.

Q How long did you live in Tecumseh? A Eight years.

Q Where did you live before you lived at Tecumseh? A I went from here.

Q From Okmulgee? A Yes sir.

Q Q When you first left Okmulgee, did you leave there in company with your mother? A Yes sir.

Q Did you also leave there in company with your two brothers, Wesley and Jim? A Yes sir.

Q Did Wesley and Jim have the same places of residence in Oklahoma than you did? A Yes sir.

By Mr. Lieber: We object to that question because it is a conclusion.

By Commissioner: Objection noted.

Q Are they now living with your mother? A Wesley isn't, Jim is.

Q Where is Wesley living? A Earlsboro.

Q Where ~~was~~ are your mother and Jim living? A At Yuba in the Creek Nation.

Q Is it Yuba or Newby? A I don't know sir.

Q Is Newby in Indian Territory? A Yes sir.

Q When did they come to Newby, Indian Territory? They came in January.

Q So your mother and Jim have removed to Indian Territory?

A Yes sir.

Q But Wesley and yourself are residents of Oklahoma at the present time? A Yes sir.

By Mr. Lieber: Objected to because it is a conclusion.

By Commissioner: Objection noted.

Q Is your mother married? A No sir.

Q Do you know whether she has come back to the Creek Nation to lived or just on a trip? A Come back to live.

Q What was she doing in Oklahoma, was she making a living over there? A Yes sir.

Q Was she working? A Yes sir, farming.

Q Farming? A Yes sir.

Q Was she working a farm? herself? A Yes sir, her and the children.

Q Have you and your husband lived with your mother since you were married? A No sir.

Q You left her immediately after your marriage? A Yes sir.

Q Where were you married, what place? A Earlsboro at the church house.

Q Where did you go after you were married? A Shawnee.

Q Went there with your husband? A Yes sir.

Q Was your child born in Shawnee? A Yes sir.

Q Where was he born? A Earlsboro.

Q Is your husband working there at Shawnee? A Yes sir.

Q Got a job there? A Farming.

Q Does he own the farm? A No sir.

Q He rents it does he? A Yes sir.

Q Do you consider Shawnee as your home? A Yes sir.

Q You haven't any other home, have you? A No sir, none only down there.

By Mr. Lieber: What did your mother leave the Creek Nation and went to Oklahoma for? A Cause all the folks were leaving.

Q Was she a widow woman at the time? A Yes sir.

Q What do you mean by her folks? A Her brothers and sisters and father.

Q Did she go over there with them? A She was with them, but she is down here to Newby. Her father is dead, she has a brother.

Q Does she own a place here in the Creek Nation? A None but us children.

Q You all own places in the Creek Nation? A Yes sir.

Q How long have you owned them? A Just had them last year.

Q Just got them last year? A Yes sir. She is not living on them, she is living on Vann's place.

Q Then she is not living on her own place at this time?

A No sir.

Q Did your mother own any improvements in the Creek Nation at the time she left here and went to Oklahoma? A No sir.

Q Where was she living, that is, on whose place was she living on? A On her husband's father's place.

Q Has your mother at any time since she left the Creek Nation and went to Oklahoma, owned improvement here in the Creek Nation? A No, none but us children.

Q When did she first own an improvement for your children or have land put in here for you children? A I think it was last year, but or year before last, I don't know exactly when it was.

Q Are you sure she didn't have an improvement here in the Creek Nation before that time? A I can't say exactly. Only she had it put in.

Q While your mother was living in Oklahoma, did she call that her home, or did she call the Creek Nation her home? A Called the Creek Nation her home.

Q Well, while you were living in Oklahoma did you ever hear your mother speak of coming back to the Creek Nation? A Yes sir, she always talked about coming back.

Q When she left the Creek Nation did she leave here with the intention of remaining away all the time, or did she leave with the intention of returning here? A She left for to come back.

Q Do you know why she didn't come back before last year or the year before? A I don't know how come she didn't come back.

Q What was her condition financially, that is, did she have sufficient money, if she wanted to come here and put in a place?

A She didn't have it to ~~have~~ come back, but Mr. Vann helped her out.

By Commissioner: ~~The Commissioner~~ On behalf of the Commissioner, I would wish to state that the question as to whether the witness's mother had sufficient means to come back is rather a leading question when taken into consideration with her previous statement that she didn't know why her mother didn't return to the Creek Nation.

By Mr. Lieber:

Q Did you ever at any time while your ~~mother~~ mother lived in Oklahoma, hear her say that she didn't intend to return to the Creek Nation? A No sir.

Q Who supported you children after your father died? A Who did?

Q Yes. A Why, mamma.

Q Did your father die here in the Creek Nation or in Oklahoma?

A In the Creek Nation.

Q Did your mother ~~leave~~ leave the Creek Nation before or after your father died? A After he died.

Q Did she have any brothers or sisters ~~living~~ living here in the Creek Nation at the time she left here? A Yes sir, father and mother.

Q At the time your mother left here did she have brothers and sisters living in the Creek Nation? A Yes sir.

Q I thought you said a while ago that they had all left and gone to Oklahoma. I said they were all going, and that was the reason she went.

Q Your mother is not a citizen of the Creek Nation? A No sir.

Q I believe you stated that a while ago? A Yes sir.

Q Did your mother own any property over here in the Creek Nation? A No sir.

Q Before she left? A No sir.

Q Did you and the other children own any property here in the Creek Nation? A Yes sir. But we hadn't filed on them.

Q Did you possess any land over here in the Creek Nation, that you know? A No sir.

Q Did you have any improvements on land here in the Creek Nation? A It was proven on us.

Q What do you mean by that? A Just for the getting right to file on land.

Q Trying to find land? A Yes sir.

Q Who was trying to find land? A My grandfather.

Q But she didn't own any herself, or any improvements, such as fences, barn or any of those things over here? A No sir.

Q And when did your grandpa start or begin to try to find this land ~~and~~ for you and your two brothers? A I don't know sir.

Q You don't know? A No sir.

Q Wasn't he trying to find this land in the event that you were finally enrolled that you ~~can~~ file on it? A Yes sir.

Q When your attorney asked you a minute ago if your mother had any improvements over here, you said none except for you and the other children, what did you mean by that? A We had improvements - ---- My grandmother was helping him to find the land.

Q Did you know where that land is that she and your grandfather were trying to get? A No sir.

Q Do you know whether there are any improvements on it? A No sir.

By Mr. Lieber. Did your mother know where that land was? A No sir. Not as I know of, she got the papers for all of us children.

Q How do you know that your grandfather was looking for land for you children? A Cause he wrote to us.

By the Commissioner. Is your mother in town in Muskogee, at the present time? A No sir.

Q Are any of your brothers here? A No sir.

Q You came in with your husband, did you? A Yes sir.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merrick

Subscribed and sworn to before me this 23rd day of July, 1906.

J. B. Harris

Notary Public.

IN RE
Application for Enrollment of
MINOR CHILD

Act of Congress Approved
April 26, 1906

M

Earnest Good

as a citizen of

Creek

Nation

Approved-----190-----

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED

Aug. 18, 1906

COMMISSIONER

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1905.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chick Nation,
of Indian Territory, born on the 7 day of May 1906
(Here insert name of child)
Name of Father: W. A. Easter non citizen Nation.
Name of Mother: Messine goods a citizen of the Chick Nation.
Tribal enrollment of father: non citizen Tribal enrollment of mother: Chick
Postoffice: Merby Ind Ter

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, Indian Territory,
Western District.

I, Messine goods, on oath state that I am 17
years of age and a citizen by: Birth of the Chick Nation;
that I am the lawful wife of W. A. Easter goods, who is a citizen, by
non citizen of the Chick Nation; that a Boy child was
born to me on 7th day of May 1906, that said child has been named
Earnest goods and is living August 16 1906.
Messine her goods

WITNESSES TO MARK:

[Must be two Witnesses] { Edward Smith Jr
H. R. Lott

Subscribed and sworn to before me this 14 day of August 1906.

Wm. H. Harn
Notary Public.
I am the Western District
my commission expires Nov 4th 1906

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE

UNITED STATES OF AMERICA, Indian Territory,
Western District.

I, Sarah C. Green, a midwife, on oath state that I
attended on Messine goods, wife of W. A. Easter goods
on the 7 day of May, 1906; that there was born to her on said date a Boy
child; that said child was living March 4, 1906, and is said to have been named Earnest goods
Sarah her green

WITNESSES TO MARK:

[Must be two Witnesses] { Edward Smith Jr
H. R. Lott

Subscribed and sworn to before me this 14 day of August 1906.

Wm. H. Harn
Notary Public.
I am the Western District

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY.
September 13, 1906.

In the matter of the application for the enrollment of Earnest Good, as a Creek Freedman.

Minerva Good, being duly sworn, by H.G. Rains, a Notary Public, testified as follows:

- Q What is your name? A Minerva Good.
Q How old are you? A 19.
Q What is your post office address? A Newby.
Q Indian Territory? A Yes sir.
Q Have you a child named Earnest Good? A Yes sir.
Q Is he living? A Yes sir.
Q Where is he? A At home.
Q Who is taking care of him while you are here? A Mamma.
Q You live with your mother? A Yes sir.
Q What is her name? A Sarah Green.
Q Was she the midwife when this child was born? A Yes sir.
Q When you were here the first time, we advised you that this office required the affidavit of the midwife, since that time we have been furnished with an affidavit from you and from Sarah Green, the midwife, and in the affidavit of the midwife it is stated that this boy was born on the 7th of May--that is all it says it doesn't give the year? A It was born on the 17th of May.
Q We also have your affidavit in which it is stated that the child was born the 7th of May, how do you explain that? A The notary must have misunderstood me cause I told him the 27th.
Q You signed by mark before William Vann, a Notary Public? A Yes.
Q Did he read it to you? A Yes sir.
Q Didn't you hear him say the 7th of May, 1906? A No sir, he didn't read it.
Q Well now which is the correct date, the 7th or 17th of May?
A The 17th of May--April-May
Q Q What did you start to say April for? A I like to forget the month.
Q How old is this child? A A year and five months old.
Q In your affidavit and the affidavit of the midwife signed before Vann, your name is written Goods, is that right? A Yes sir.
Q Your husband came in here with you at the time you made application for the enrollment of Earnest Good, and swore that your name was Good--G-o-o-d, instead of G-e-e-d-s. A Doesn't he know?
A Yes sir he knows.
Q G-o-o-d-s is not correct then, is it? A No sir.
Q You had a lawyer in this case? A No sir.
Q It appears that at the time you made the original application for this child, July 18, 1906, J.G. Lieber appeared as your attorney?
A I didn't have him. Mr. Tapper got him.
Q When you--when were you married to Good? A I don't remember what day it was--we were married a year and six months ago.
Q Were you married at the time this child Earnest was born? A Yes.
Q How long had you been married? A Two months I believe.
Q You mean you had that child two months after you were married?
A Yes sir.

Q You understand now that you must furnish this office with a correct affidavit in the place of this imperfect one here? A Yes sir.

Q Will you do it? A Yes sir.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merrick

Subscribed and sworn to before me this 13th day of September, 1906.

Edward Merrick
Notary Public.

WBA. 419

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 20, 1906.

Earnest Good

as a citizen of

Creek

Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED

Apr. 17 1906

COMMISSIONER

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Earnest Good, born on the 17th day of May, 1905.
Name of Father: Worcester Good, a citizen of the United States Nation.
Name of Mother: Minerva Good, a citizen of the Creek Nation.
Tribal enrollment of father None, Tribal enrollment of mother Creek.
Postoffice: Newby Ind. Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District.
I, Minerva Good, on oath state that I am Minerva (19)
years of age and a citizen by Adoption of the Creek Nation;
that I am the lawful wife of Worcester Good, who is a citizen, by
of the United States; that Male child was
born to me on 17th day of May, 1905, that said child has been named
Earnest Good, and was living March 4, 1906.
Minerva Good
mark

WITNESSES TO MARK:

[Must be Two
Witnesses]

Wm. N. Naim
Wm. Cheatham
Subscribed and sworn to before me this 14th day of Sept, 1906.
Wm. Cheatham
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Western District.
I, Sarah Green, Midwife, on oath state that I
attended on Minerva Good, wife of Worcester Good
on the 17th day of May, 1905, that there was born to her on said date a Male
child; that said child was living March 4, 1906, and is said to have been named Earnest Good.
Sarah Green
mark

WITNESSES TO MARK:

[Must be Two
Witnesses]

Wm. N. Naim
Wm. Cheatham
Subscribed and sworn to before me this 14th day of Sept, 1906.
Wm. Cheatham
Notary Public.

En. 1055.

JLD:
CM

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Earnest Good as a Creek freedman.

D E C I S I O N

The record in this case shows that on July 18, 1906 application was made, in affidavit form, supplemented on said date by oral testimony, on August 18, 1906 by further affidavits, on September 13, 1906 by further testimony and on September 17, 1906 by further affidavits for the enrollment of Earnest Good as a Creek freedman under the provisions of the Act of Congress approved April 26, 1906.

There is a discrepancy in the evidence regarding the spelling of the applicant's surname and the date of his birth, but it appears that said surname should be spelled G-o-o-d and that the applicant was born May 17, 1905, was living on March 4, 1906 and was the child of Worcester Good, a non-citizen, and Minerva Good, who was identified as Minerva Green, opposite No. 5606 on the approved roll of Creek freedmen.

It is, therefore, ordered and adjudged that the said Earnest Good is entitled to enrollment as a Creek freedman in accordance with the provisions of the Act of Congress approved April 26, 1906 (34 Stats. L. 137), and the application for his enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 18 1907

CR EN 1056

CR EN 1056

N.F.620

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, October 9, 1905.

In the matter of the application for the enrollment of
Ada Hill asa Creek freedman.

Lizzie Hill, being duly sworn, te stified as follows:

Q What is your name? A Lizzie Hill.
Q What is your age? A 21 years
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A No, sir
Q Were you ever known as Elizabeth Hill? A Yes, sir
Q Are you the same Elizabeth Hill who made application for the
enrollment of your child Ada Hill in April 1905? A Yes, sir
Q Are you the mother of Ada Hill, A Yes, sir
Q Who is the father of Ada Hill? A Henry Hill
Q Is he your lawful husband? A Yes, sir
Q When was Ada born? A October 2, 1903
Q Is she living? A Yes, here she is
Q Who attended you at the birth of Ada? A Laura Petty
Q Laura Petty in an affidavit on file in this office swore
that this child was born September 2, 1903, is that correct
A No, sir she was born October 2, 1903

Henry Hill, being duly sworn testified as follows:

Q What is your name? A Henry Hill
Q What is your age? A 23 years
Q What is your post office? A Muskogee
Q Are you a citizen of the Creek Nation? A Yes, sir
Q Are you the lawful husband of Lizzie Hill? A Yes, sir
Q Are you the father of Ada Hill? A Yes, sir
Q When was Ada born? A October 2, 1903
Q Is she living? A Yes, sir
Q Laura Petty the midwife in an affidavit on file in this office
stated that the child was born September 2, 1903, is that correct
A No, sir she was born October 2, 1903

I, Anna Garrigues, on oath state the above is a true and correct
transcrip of my stenographic notes as taken in said cause on
said date.

Anna Garrigues

Subscribed and sworn to before me this 9th day of
October 1905.

Edw. J. Green
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 7, 1906.

No. 75

In the matter of the application for the enrollment
of Aurena Hill as a Creek freedman.

LIZZIE HILL, being duly sworn, testified as follows:

- Q What is your name? A Lizzie Hill.
Q What is your age? A Twenty one.
Q What is your post office address? A Muskogee. Can I enroll this
child without the father. Henry Hill is the father and he is in jail.
Q That child is your arms? A Yes, sir.
Q Were you ever known by any other name than Lizzie? A No, sir
Q Was Henry ever known by any other name? A His stepfather named
Waters raised him and he has gone by that name but his right name is
Henry Hill.
Q Are you married to him? A Yes, sir lawfully married.
Q Have you your marriage license with you? A I haven't but I can get it.
Q Which one of you is a citizen? A My husband is a citizen; I isn't a
citizen.
Q Do you know what name he is enrolled under? A Henry Hill.
Q Do you know the name of his father? A Henry Hill.
Q Do you know the name of his mother? A Nancy Waters now, she married
again.
Q Do you know a brother of his? A Yes, sir.
Q What is his name? A Landro Huddleston.
Q Was his mother ever known as Nancy Lovett? A Yes that is her first
name; her name was put on the roll Nancy Lovett.
Q Have you ever been in jail? A No, sir
Q What is the name of this very little baby you have here? A Aurena
Hill.
Q How old is she, now tell me the truth? A She will be---she is two
months old.
Q Is she two months old to a day? A She is two months old the 3rd of
this month. She was born the third of March.
Q Did you make any entry on a book? A Yes; and I know how old she is.
Q Where did you write it down? A Its home at Mrs. Owens.
Q What did you write it with? A Put it down with a blue pencil on a
piece of white tablet paper, she is two months old.
Q What did you put down on a piece of paper, tell the words? A She was
born the 3rd of March so she is two months old.
Q What did you start to say about putting something down, when did
you put that down? A The third of March.
Q The day it was born? A Yes, sir.
Q What with? A pencil.
Q You wrote it yourself? A No I can't write.
Q Who wrote it? A Mr. Carnard.
Q Ketch Carnard? A Yes, sir.
Q And he wrote it the day it was born? A Yes, sir.
Q Would he know when it was born? A Yes, sir.
Q Was he there when it was born? A No, sir
Q How long after it was born before he saw it? A When it was a day.
Q You are sure he didn't see it when it was born? A No, sir
Q He didn't write it the day it was born wrote it the next day? A Yes

Q Any other writing on that paper? A No, sir.
Q What kind of paper? A White paper.
Q Any kind of book? A Just a loose sheet of paper.
Q How large a sheet of paper? A Just a large sheet of paper, a loose piece of tablet paper.
Q Did you see him write it? A Yes, sir.
Q And how did he know what to write did you tell him? A I told him.
Q Did you tell him it was born the 3rd of March? A Yes, sir.
Q How did you come to tell him it was born the 3rd? A I just kept it.
Q When did he come? A I disremember the day but he came the 4th and it was born the 3rd.
Q What day of the week was it born? A I disremember what day of the week
Q You remember it was March the 3rd but do not remember the day of the week? A No, sir.
Q Is Ketch Carnard in jail too? A No, sir
Q Can you have him up here this afternoon? A Yes, sir

KETCH CARNARD, being duly sworn, testified as follows:

Q What is your name? A Ketch Carnard?
Q Did you come in here the first of May and apply for your child Ellis Carnard? A Yes, sir
Q Did you come in here last Saturday and ask about the enrollment of a child named Elrene or Aurena Walters? A Yes, I told you I wasn't certain about the name but something like that.
Q Then before we could take any testimony and after you had received one of these notices you went? A Yes, sir
Q Didn't you tell us the child was born the 14th of March? A Yes, sir
Q Had she told you that? A I understood her about the 14th of March.
Q You asked me when a child had to be born? A Yes, sir
Q And took one of these yellow notices that has the law in it? A yes, sir
Q Do you know as a matter of fact when that child was born? A Only what she told me.
Q Never heard when it was born except from her? A No more than what she told me/.
Q When did she tell you that? A A week or more ago.
Q Had she ever told you before that the date of the birth of the child? A No, sir she never told me before.
Q She never told you until a week from last Saturday when it was born? A No, sir.
Q Were you present when it was born? A I was about a quarter of a mile away.
Q How long before you saw it? A Eight or nine days before I looked at it I was around there but didn't go in the house where it was.
Q Do you remember having written anything about the birth of the child down on a piece of paper? A No, sir
Q You never wrote anything about it? A No, sir .
Q You are sure of that? A Yes, sir.
Q I will explain to you. You know what it is to go to the penitentiary if you tell a lie under oath. Now what is your best impression from what you have been told of the date of the birth of this child? A I know only what she told me.
Q What did she tell you? A Somewhere about the 14th of March and that's all I know.
Q Do you remember the day of the week? A I don't
Q She didn't tell you that? A No, sir
Q You are certain she told you it was born the 14th of March? A I am certain she told me that:
Q You live right near them and you say you saw it about eight days after it was born, was that eight or nine days after the 14th? A I knew it was every bit of eight or 9 days old.
Q Was it after the 14th day of March that you saw it? A Yes, sir.

Q Did you read that notice to her and tell her it had to be born the 4th of March? A I never read the notice to her but I told her it had to be born the 4th of March. My mother called to me this morning and said "if that child isn't born the 4th of March you can't file for it can you" and I was riding on my horse and I said all right go down and see about it. I will tell you how my mother came to say that. This woman was coming in with my mother Lizzie Owen with whom she stays.

Q Did she hear your mother say that? A I know she was around there and could hear. My mother was standing on the porch.

Q Does she claim that your mother Lizzie Owens was the midwife? A No Hannah Owens.

Q Did you give that yellow circular to Lizzie? A No, sir before I got home I met another gentleman and gave it to him.

Q But you did tell Mrs. Owen at whose house Lizzie stays that it had to be born March 4th to be entitled? A Yes, sir.

Q Do you know anything about her changing the date from the 14th to the 4th? A She met me down the street there and she called me and I said I will be there in a minute when I did come over there she said, what did you tell those commissioners and I said I told them the baby was born the 14th of March and she said I didn't tell you that. Me and her got to disputing over the date and I said when was the baby born and she said March 3rd and I said I just told them just what you told me. I haven't anything to do with it; she said the commissioner said for me to come up there.

Q What do you think about her changing that? A I think she is changing it to get to file; of course that is my belief about it.

Q Your best belief from what she told you before and when you saw the child is that it was born later than March 4th and because she heard you tell Mrs Owen it ought to be born the 4th she has fixed it up? A Yes, sir I firmly believe that and furthermore she can't read or write and I don't know how she can tell the days of the months so well.

Q She not only said that she told you the 3rd of March but she says she told you that on the 4th of March and she says that on the 4th of March, or the very next day after it was born, she told you it was born March 3rd and that you put it down in a piece of white tablet paper this child Aurena Hill born March 3, 1906, is that a lie? A Yes

Q And she said you wrote it with a pencil? A No, sir I never touched a pen to write it.

Q When she said that she lied? A Yes, sir

Q And it is only a part of her scheme to defraud the Greek Nation out of this land? A Yes, sir.

Q You are not interested in this matter? A No, sir

Q Any kin to them? A They claim to be a cousin of mine but I don't know.

Q You have no bad feeling with any of them, are on friendly terms with them? A Yes, sir no bad feeling.

Q Visit them often? A I used to but Henry is in jail now. When I see them I am on good terms; they have never done anything to me.

Q Or you to them? A No, sir.

Q She came in and said the name was Aurena Hill? A The fellow in jail goes under both names. After he got married he changed his name to Henry Hill.

LIZZIE OWEN recalled.

Q Do you know what it is to hold up your hand and swear to tell the truth, do you know what will happen if you tell a lie. You are liable to be sent to the penitentiary, do you understand that? A Yes, sir

Q You said a while ago that Ketch Carnard came to your house the day after your child Aurena was born? A Yes, sir he came the day after.

Q You said a while ago that he came on the 4th of March is that true? A Yes, sir

Q And you stated you then told him this child was born March 3rd is that true? A Yes, sir.

Q And he took a pencil and wrote it down; Ketch Carnard has just said it is a lie? A I might be mistaken.

Q Are you mistaken? A I might be; course you can make a mistake some time.

Q Isn't it a fact that the child was born about the 14th of March and that you were with Mrs Owens, mother of Ketch Carnard, yesterday and when he told her it would have to be born March 4th to file, didn't you hear that and then you made up your mind to change from the 14th to the 3rd? A No, sir I may have made a mistake but not intentionally.

Q Did you make a mistake? A Ketch says I told him the 14th.

Q Yes he told us that last Saturday and he told us that now? A May be I made a mistake.

Q Can you read or write? A No, sir.

Q What made you say March 3rd a while ago? A May be I made a mistake; I did think it was March 3rd.

Q Did you make a mistake a while ago when you said he came to the house on the 4th of March? A I don't think I did.

Q Did you make a mistake when you said Ketch wrote it down on a piece of tablet paper? A May be I did.

Q May be you made a mistake about all of it. You made a mistake when you said Ketch wrote it down at all? A No, sir.

Q May be you made a mistake when you said Ketch came in on the 4th? A Yes, sir but I didn't intentionally but as far as the baby being born on the 14th Ketch would know because I don't know the days of the month and thought it was the 3rd.

Q But you didn't know? A No, sir.

Q And you think he would know better than you? A Yes, sir because he can read and write.

Q Who was the midwife? A Hannah Owen.

Q Can she read or write? A No, sir.

Q And she is too old to come up here? A Yes, sir.

Q Would she know any better than you? A I don't think she would.

Q Ketch would probably know it better than any one? A Yes, sir.

Q You tried to fix it up? A No, sir I didn't intentionally.

Q You wanted to slide it in? A No, sir.

Q You admit that you made a mistake when you said it was born March 3rd? A Yes, sir.

Q And you admit you made a mistake when you said he wrote it down? A Yes, sir.

Q And you admit you were trying to steal something? A No, sir I just made a mistake and I sure thought the child was born the 3rd.

HANNAH OWENS, being duly sworn, testified as follows:

Q What is your name? A Hannah Owens.

Q What is your age? A About in 90.

Q What is your post office address? A Muskegee.

Q Do you know Lizzie Hill? A Yes, sir I knows her.

Q Do you know her man Henry? A Yes, sir.

Q What is his name? A Henry Waters.

Q Do you know their little baby? A Yes, sir.

Q Were you the midwife? A Yes, sir.

Q When was it born? A Born in March something.

Q Do you know what day in March? A I don't know exactly--let me see--I can't remember. My recollection is short.

Q Do you know Ketch Carnard here? A Yes, sir.

Q Does he know about when that child was born? A Yes, sir he was right there.

Q He can read and write? A Yes, sir.

Q And would know better than Lizzie? A Yes, sir.

Q You don't know the day this child was born? A I don't know exactly.

Q Was it born near the middle of the month? A Not quite the middle of the month.

Q Born the second week in March? A I guess so. What makes me know I was setting a turkey hen and she had to set a month and I had to leave everything and go to her. The child got here in March and the turkey hen just came off.

Q How long before the child was born, a week or two? A No it was that same week.

Q It was the first part of March some time that you set the hen? A Yes, sir

Q And shortly after that the child was born? A Yes, sir

Q Ketch says it was born the 16th of March and he was told by Linnie, is that right? A Yes, sir

Q Ketch would more likely know the date because he can read and write? A Yes, sir that's true.

I, Anna Garrigue, do oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigue

Subscribed and sworn to before
me this 16 day of May 1906.

W. H. Haines
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 23, 1906.

N.B.F.116

In the matter of the application for the enrollment
of Aurena Hill as a Creek freedman.

APPEARANCES: N.L. Mett attorney for Creek Nation.

LIZZIE OWENS, being duly sworn, testified as follows:

- Q What is your name? A Lizzie Owens.
Q What is your age? A I don't know exactly. (Witness appears to be
35 or 40 years old)
Q What is your post office address? A Muskogee.
Q Living in town or country? A In country.
Q Do you know a fellow named Henry Hill? A Yes, sir
Q Where is he? A In jail.
Q Has he a wife? A Yes, sir
Q What is her name? A Lizzie Wallace; she is staying at Mrs.
Browns.
Q Did you ever hear Henry Hill called anything else? A Yes, sir
Q What else? A We call him Henry Wallace.
Q Did he and Lizzie have a child born to them some time the last
two or three years? A Yes, sir
Q What is its name? A Ada.
Q Are Henry and Lizzie married? A Yes, sir
Q Do you know the name of Henry's father? A Hill they told me.
Q Do you know his mother? A Nancy Wallace.
Q Do you know whether he has a brother? A Yes, sir
Q What is his name? A Alonzo and Will.
Q Was his mother ever known as Nancy Lovett? A Yes, sir
Q When was this child born? A Do you mean the eldest or the
youngest; she has two children.
Q The name of the last one born? A I don't know what they named
it.
Q Did you ever see it? Yes, sir
Q Would you know it if you saw it? A Irene I named it.
Q We have had different witnesses here who called it different
names? A Aurena, etc. A That is the same.
Q Where was it born? A At my house.
Q Were you present when it was born? A Yes, sir.
Q You were not the midwife? A No, sir.
Q Was the date of its birth written down anywhere? A No, sir not
as I know of.
Q Lizzie Hill says it was put down in a book at your home? A
I don't know anything about it.
Q When was this child born? A I can't tell you; I knew it was born
in March and that is all I know.
Q First part, middle or last? A I just naturally don't know
Q How old is the child? A I don't know; when it left my house
it was a little over a month old.
Q When did it leave your house? A Right after she was down here.
Q Are you sure she left your house right after she was down
here? A Yes, sir
Q When the next day? A That girl came down here and she was gone
the next evening.
Q How do you know she was down here? A I ought to know, she
brought my team down here.
Q How old was that child then? A Over a month old
Q It was over a month old? A Yes, sir
Q Was it two months? A No

It appears from the records of the Commission that Lizzie Hill appeared and gave testimony on May 7, 1906.

By M. L. Mott, attorney for Creek Nation.

- Q Do you know Ketch Kanard? A That's my son.
 Q Does he know when this child was born? A Knows what she told him.
 Q Did you tell him to put down the age of this child? A No, sir He didn't know nothing at all about it; he didn't put it down.
 Q You say you let her have your team to come down here? A Yes she was staying with me then.
 Q How long had she been up then? A The child was over a month old when she came down here.
 Q How long had she been up then when she came down here? A It was over a month.
 Q You say the child was born in March? A Yes, sir
 Q Can't you think whether it was the first, middle or last? A I couldn't because I don't know. She borrowed my buggy to come and enroll the child.
 Q What did she tell you, did she tell you what she wanted it for? A Yes.
 Q When she borrowed your horse what did she say she wanted? A Said she wanted to enroll the child.
 Q When she came back did she say what she did? A Yes, sir
 Q Are you satisfied that the child was not then two months old? A No, sir it wasn't two months old.
 Q You swear it wasn't two months old when she left you? A Yes, sir
 Q The child was born at your house? A Yes, sir
 Q Do you know of her trying to find out the date the child had to be born to be entitled? A No, sir
 Q But you know that when she left your house the child wasn't two months old? A No, sir it wasn't.
 Q Do you know when she left your house? A The next evening.
 Q Do you know the month? A I forget what month now.
 Q She left your house the next day after she came down here to enroll the child? A Yes, sir
 Q You are certain? A Let's see--she came down on Monday and took my team and she was gone that same evening; she came home and left that same evening.
 Q And you swear the child wasn't two months old then? A Yes, sir

COMMISSIONER:

- Q Your son Ketch has stated that the day he came here, which was before she came, Ketch came down and got one of those yellow circulars and instead of giving it to Lizzie he gave it to some one else and the next day you and Lizzie started down here and Ketch said as follows: "My mother called to me this morning (that is the 7th, the day you and Lizzie came down) and said if that child isn't born the 4th of March you can't file for it can you and I was riding on my horse?" A Yes, sir
 Q Didn't you and Lizzie talk about it in the wagon? A No, sir
 Q Didn't you know Lizzie was trying to fix up a scheme here? A No sir she got huffy because I told her I didn't want my boy to get into trouble and she got mad.
 Q Did she get mad because she wanted him to swear to certain things about that child, do you mean you didn't want him to swear to what wasn't true and is that the reason she left your house? A And she said if you want me to go, I will go.
 Q Is that what she got mad about the enrolling? A As far as I can say.

Q You say you told her you didn't want your boy to get into trouble about swearing falsely? A She wanted him and I told her to go herself.

ALEX OWENS, being duly sworn testified as follows:

Q What is your name? A Alex Owens.
Q Is this your wife? A Yes, sir.
Q What is your age? A I don't know.
Q You know you are a grown man? A Yes, sir.
Q What is your post office address? A Muskogee.
Q Was there a child named Aurena or Irene Wallace or Hill born at your house? A A child was born there but I don't know its name.
Q When was it born? A I couldn't say.
Q Was it this year? A This year.
Q Can you tell the month? A In March.
Q Can you tell whether it was the first, middle or last part of March? A I know it was the first part; I know that.
Q Do you know for a fact that it was after March 4th? A Yes after March 4th sure.
Q Was it nearer the 15th than the 4th? A Yes, sir.
Q Do you know what day of the week it was born on? A Wednesday or Thursday they told me it was..
Q Do you know the parents of this child? A Yes, sir.
Q The mother of the child lived in your house when it was born? A Yes, sir.
Q How old is the child now if it is living? A I couldn't tell you that; I didn't pay any attention.
Q Did Lizzie continue to live at your house? A No, sir.
Q How long did she stay after the child was born? A She was there; I don't remember that sure.
Q Was it a month? A Yes.
Q Was it two months? A I think it was in April she left; I didn't pay any attention to it.
Q You don't know whether it was two months old when she left your house or not? A I know it was two months old when she left.
Q Where is the father of the child? A In jail in Muskogee.
Q Where is the mother? A At Boynton.
Q Have you ever heard or do you know of any attempted fraud in this case? A No, sir.
Q Don't you think they tried to get up a scheme to come in here and say the child was born before it was born? A I don't know. I remember seeing him just before he got into trouble.
Q When did he get into trouble? A I can't place that.
Q Was the child born then? A He had been to my house when it was born; it was about a week old, he came and staid a week.
Q Do you know Ketch Canard? A Yes, sir.
Q Your wife's son? A Yes, sir.
Q Ever hear of him being mixed up in the case? A I heard something about it.
Q What did you hear? A Says this girl came and said for him to put the child's age down and I know he didn't.
Q Did you ever hear anything else? No, sir.
Q Didn't you hear that she tried to get him to say it was born before it was born? A No, sir.
Q Can you swear positively that this child was born later than the 4th day of March? A It was born after the 4th.
Q You can swear positively to that? A I am satisfied of that.

Q And if she swore under oath that it was born before the 4th she perjured herself? A I guess so if that is what you call it.

Q You haven't anything against Lizzie Hill? A No, sir

Q You have no interest in this case? A No, sir

By Atty. for Creek Nation.

Q You know this child was born after March 4th? A Yes, sir

Commissioner.

Q You have no object in preventing this child from being enrolled if it is entitled? A No, sir

Q Your wife has nothing against these people either, has she? A No, sir.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

SUBScribed and sworn to before
me this 9 day of August 1906.

Anna Garrigues

Edward Merrick
Notary Public

74 620

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY,
AUGUST 4, 1906.

In the matter of the application for the enrollment of Ada Hill as a Creek Freedman.

Niecey Lovett, being duly sworn, testified as follows:

- Q What is your name? A Niecey Lovett.
Q What is your age? A I couldn't tell you, but I call myself 54.
Q What is your post office address? A Boynton.
Q Do you know Elizabeth Hill? A Yes sir, she is my daughter in law.
Q Henry your son? A Yes sir.
Q Where is he? A He is in Muskogee jail.
Q Is your daughter Elizabeth living? A Yes sir.
Q Where? A At Boynton.
Q With you? A No sir, she lived with my cousin Sampson Brown's wife, Sarah Brown.
Q A letter written to her in care of Henry Hill, post office at Muskogee, which was given here in the matter of the application for the enrollment of their child, Ada Hill, was returned to us uncalled for, how do you account for that? A I think she was here, but she lives out at Boynton now. She don't go to the post office anyhow.
Q Where does this child live? A She is just carried out here just now.
Q She is living? A Yes sir.
Q She is the same one that you are applying for? A Yes sir, same one.
Q When was she born? A The 2nd, I believe of October. I don't know exactly what date of the month it was, but I think it was about the 2nd of October.
Q How old will she be this coming October? A Three.
Q We will give you an affidavit here to take to Elizabeth and have her execute it. And you are advised also that you should send to us proof of the marriage of your son Henry Hill to Elizabeth Hill, send either a certified copy of the marriage license or the original, you understand? A Yes sir

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merrick

Subscribed and sworn to before me this 6th day of August, 1906.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY,
AUGUST 4, 1906.

In the matter of the application for the enrollment of Ada Hill as a Creek Freedman.

Niecey Lovett, being duly sworn, testified as follows:

- Q What is your name? A Niecey Lovett.
Q What is your age? A I couldn't tell you, but I call myself 54.
Q What is your post office address? A Boynton.
Q Do you know Elizabeth Hill? A Yes sir, she is my daughter in law.
Q Henry your son? A Yes sir.
Q Where is he? A He is in Muskogee jail.
Q Is your daughter Elizabeth living? A Yes sir.
Q Where? A At Boynton.
Q With you? A No sir, she lived with my cousin Sampson Brown's wife, Sarah Brown.
Q A letter written to her in care of Henry Hill, post office at Muskogee, which was given here in the matter of the application for the enrollment of their child, Ada Hill, was returned to us uncalled for, how do you account for that? A This was her post-office, and I reckon they sent the letter here thinking she was here, but she lives out at Boynton now. She don't go to the post office anyhow.
Q Where does this child live? A She is just carried out here just now.
Q She is living? A Yes sir.
Q She is the same one that you are applying for? A Yes sir, same one.
Q When was she born? A The 2nd, I believe of October. I don't know exactly what date of the month it was, but I think it was about the 2nd of October.
Q How old will she be this coming October? A Three.
Q We will give you an affidavit here to take to Elizabeth and have her execute it. And you are advised also that you should send to us proof of the marriage of your son Henry Hill to Elizabeth Hill, send either a certified copy of the marriage license or the original, you understand? A Yes sir

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merrick

Subscribed and sworn to before me this 6th day of August, 1906.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY.
AUGUST 4, 1906.

In the matter of the application for the enrollment of
Aurena Hill as a Creek Freedman.

Nicey Lovett, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Nicey Lovett.
Q: How old are you? A: 50 some odd years.
Q: What is your post-office address? A: Boynton.
Q: Do you know Elizabeth Hill? A: Yes sir, she has married my son Henry.
Q: Where is Elizabeth Hill now? A: She is living out at Boynton.
Q: Does she live with you? A: No, she lives right close to me.
Q: Where is Henry Hill? A: He is down in the Muskogee jail.
Q: This child you had in here a minute ago that was Ada's child was it? A: Yes sir.
Q: Have they any other child? A: Yes sir.
Q: What is its name? A: Aurena Hill.
Q: How old is it? A: 4 months.
Q: When was she born? A: Well now I don't know just exactly seems to me like Elizabeth told me it was the 4th. of March or the 14th. one, I won't be positive.
Q: Were you living with them when she was born?
A: I was at the burning, and she was living at Lizzie Owens two miles from here.
Q: Where is this child Aurena now? A: Visiting out there with his mother.
Q: Is she visiting out there today? A: Yes sir.
Q: Well don't you know whether it was born the middle of March, the last of March or the 1st. of March, if it was born in March? A: I don't know for sure, I think she told me the 4th. of March.
Q: How old was it before you saw it? The first time you saw it or heard of it? A: Of course I didn't hear of it until she came down after the child was a month and one week old.
Q: When was that she came down and told you that?
A: I don't remember just exactly when it was. You see I have no learning you know and I can't keep that.
Q: Do you know Ketch Canard? A: Yes sir, he is my cousin.
Q: He said that child was born the middle of March, along towards the middle of March?
A: You say he did; well you see I don't know.
Q: It was born at his mother's house wasn't it?
A: Yes sir, yes sir.

William Perryman, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: William Perryman.
- Q: How old are you? A: Well, I couldn't tell you.
(Witness appears to be about 30 years old)
- Q: What is your post-office address? A: Muskegee.
- Q: What is the name of the people you are living with?
- A: Ned Censar.
- Q: Is there a woman named Elisabeth Hill visiting out there now? A: Yes sir, she is right in my house now.
- Q: Has she a child with her? A: Yes sir.
- Q: What is its name? A: Let me see-- I can't remember. I think of it part of the time, too.
- Q: Aurena is it? A: Yes sir, Aurena, that is it.
- Q: Do you know when it was born? A: No sir.
- Q: Do you know how old it is? A: No sir.
- Q: Did you ever hear them trying to fix up a story to have it enrolled? A: I never heard except when she came here once before that.
- Q: What was that? A: She came here once before to get it enrolled, and brought my cousin with her.
- Q: Who is that cousin? A: It was Ketch Canard.
- Q: Do you know whether Ketch knows when the child was born?
- A: I don't know whether he would or not.
- Q: You don't know anything about the case then? A: No sir.
- Q: When you say you didn't hear of it except when she came here once before, do you mean that you heard that they were trying to fix up a date so they could get the child enrolled; trying to say a date other than when it was actually born?
- A: That she tried to fix up a date that wasn't true do you mean? I don't know how she done it, but she was here trying to fix it and I heard her say she didn't get it right or something or other.
- Q: To tell the truth about it, I think, as well as I know about it, the child was born ~~after~~ the time you know there was a set time in March or something like that, I think they tried to put it a little too far back, that is what I learned it from.
- Q: Did you learn it from them?
- A: No sir, a cousin, Lizzie Owens, Ketch's mother was talking about it.
- Q: You heard her talking and you heard her say that Lizzie Hill tried to put it back too far after the time when it was born? A: Yes sir.
- Q: You heard that story did you? A: Yes sir, that is the way I heard it.

I, Julia C. Laval, do hereby state that the above and foregoing, is a true and complete transcript of my stenographic notes as taken by me on said date in said court.

Julia C. Laval

Subscribed and sworn to before
me this 19 day of August, 1904.

J. M. Bennett
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
AUGUST 8, 1906

In the matter of the application for the enrollment of
Aurena and Ada Hill, as Creek Freedmen.

Questions by Commissioner:

- Q: What is your name? A: Elisabeth Hill.
Q: How old are you? A: 21.
Q: What is your post-office address? A: Boynton.
Q: When you made application for the enrollment of your child
Ada Hill you gave your post-office address, Muskogee?
A: Yes sir, I was staying in Muskogee.
Q: And a letter which was written from this office on June
26, 1906 was returned to us unclaimed, how was that?
A: I didn't go to the post-office.
Q: You were advised at that time that this office required
proof that this child was living March 4, 1906? A: No sir.
My mother-in-law told me there was a letter there but when
I sent for it, it was done gone back.
Q: Is Ada living? A: Yes sir, there she is.
Q: How old is she? A: She will be three years the second
day of October.
Q: The father is now in Muskogee jail, is he? A: Yes sir.
Q: Are you married to him? A: Yes sir.

(Witness presents certified copy of marriage license)

- Q: What was your name before you were married? A: Lissie
Reilly.
Q: Was Henry Hill known by any other name? A: Yes sir.
Q: What name? A: His step-father went by the name of Henry
Wallace, but his right name is Henry Hill.
Q: This license refers to a Henry Wallace, but that is meant
for Henry Hill, is it? A: Yes sir.
Q: Is Ada living? A: Yes sir.
Q: Have you had any other children by Henry? A: Just two.
Q: Had any other children besides Ada? A: Just this one.
Q: What is her name? A: Aurena.
Q: When was Aurena born? A: March 14th.
Q: Once before you tried to fix up a story in here that it
was earlier than that? A: I made a mistake, she was born
March 14, I found afterwards that I was mistaken.
Q: You say you found out afterwards you were mistaken? A: Yes
sir, she was born on March 14th on Wednesday.
Q: You are sure of that are you? A: Yes sir.
Q: Then on the 14th of August the child will be 5 months old?
A: Yes sir.

- Q: March to April is one month, April to May is two, May to June is three, June to July is four, July to August is five. You are sure of that are you? A: Yes sir.
- Q: If the midwife swore that Ada was born in September instead of October, she was mistaken? A: Yes sir, Ada was born in October.

(This is all the evidence that was heard in said cause).

I, Julia C. Laval, on my oath state, that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval.

Subscribed and sworn to before me
this 19 day of August, 1906.

J. M. Dermott.
Notary Public.

No. 1066.

J. L. De.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Aurena Hill, as a Creek Freedman.

DECISION.

The record in this case shows that on May 7, 1906, application was made in testimony form, supplemented by further testimony on July 22, 1906, and on August 4, 1906, and on August 9, 1906, for the enrollment of Aurena Hill, as a Creek Freedman, under the provisions of the Act of Congress approved April 26, 1906.

It appears from the weight of the evidence filed in this matter that said Aurena Hill was born March 14, 1906, and is the child of Henry Hill, whose name appears opposite No. 5535 on the approved roll of Creek Freedmen, and his wife, Lissie Hill, a non-citizen.

The Act of Congress approved April 26, 1906 (34 Stat. 1.137) in part provides:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother and allotments shall be made to children so enrolled."

It is therefore ordered and adjudged that the said Aurena Hill is not entitled to enrollment as a Creek Freedman, in accordance with the provisions of the Act of Congress above quoted and the application for her enrollment as such is accordingly denied.

McKees, Indian Territory,

COMMISSIONER.

JAN 14 1907

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Ada Hill, as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on April 29, 1905, application was made, in affidavit form, supplemented by further affidavits on July 3, 1905, and by oral testimony on October 9, 1905, August 4, 1906, August 8, 1906 and by further affidavit on August 8, 1906, for the enrollment of Ada Hill as a Creek Freedman.

It appears from the weight of the evidence filed in this matter that the said Ada Hill was born October 2, 1903, and was living March 4, 1906.

It further appears from the evidence that said applicant is the child of Henry Hill, whose name stands opposite No. 5535 on the approved roll of Creek freedmen and his lawful wife, Lissie Hill, a non citizen.

The Act of Congress approved April 26, 1906 (34 Stats., 137), provides in part as follows:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

It is, therefore, ordered and adjudged that the said Ada Hill is entitled to enrollment as a Creek freedman, in accordance with the provisions of the law above quoted, and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory,

 COMMISSIONER.

January 17 1907.

CERTIFICATE OF TRUE COPY.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
WESTERN DISTRICT. }

I, R. P. HARRISON, Clerk of the United States Court in

the Western District, Indian Territory, do hereby certify that the instrument hereto attached is a full, true, and correct copy of a Marriage License Book N. Page 450 as the same appears on the records in my office.

WITNESS my hand and seal of said Court at Muskogee, Indian Territory,

this 8th day of August, A. D. 1906

John Harlan
Deputy Clerk.

R. P. Harrison
Clerk.

in Book _____, Marriage Record, Page _____

Witness my hand and seal of said Court at Muskogee, in said Territory, this _____ day of _____, A. D. 190_____

Clerk.

By _____ Deputy.

MARRIAGE LICENSE

UNITED STATES OF AMERICA
Indian Territory
Western District } ss.

No. 525

To Any Person Authorized by Law to Solemnize Marriage Greeting:

You are Hereby Commanded to Solemnize the Rite and Publish the Banns of Matrimony between Mr. Henry Wallace of Muskogee, in the Indian Territory, aged 20 years, and Miss Lizzie Riley of Muskogee, in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official ~~seal~~ at Muskogee, Indian Territory, this 13th day of Dec., A. D. 1902

Geo

A. P. Harrison

Clerk of the U. S. Court.

By A. J. English Deputy.

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA
Indian Territory
Western District } ss.

I, A. P. Harrison, a Minister of the Gospel,

DO HEREBY CERTIFY, that on the 14 day of December, A. D. 1902, did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 14 day of December, A. D. 1902

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Western District, Book 6, Page 194

A. P. Harrison

A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Western District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00).

Filed and duly recorded, this 16 day of Dec 1902
A. P. Harrison Clerk of the Court

Before the Dawes Commission, at Muskogee, Indian Territory.

In the matter of the application of Ada Hill for Enrollment.

United States of America,
Western District of the
Indian Territory.

||
O ss
||

Laura Petty, of lawful age being duly sworn upon her oath says that she is a resident of Okmulgee, Indian Territory, and that she is a mid wife by practice, and as such was called upon to attend, Lizzie Hill, on the second day of September in the year 1903. That on the second day of September 1903, the said Lizzie Hill gave birth to a female child. That said child was born a live and I was at her place two and one half miles South East of Okmulgee, one week after the child was born and it was then living, in good health and doing well, I never knew what they named it. I was well acquainted with its mother after the child was born but up to that time I did not know her. At that time I attended Lizzie Hill, she was at her father's home, Mose Riley. I knew Mose Riley well and I know the woman I attended was his daughter. I did not become acquainted with the father of the child, Henry Hill but from all facts which he gives regarding the birth of the child and the surrounding circumstances I am satisfied that the party who requests me to make this affidavit is the husband of Lizzie Hill and the father of the child, Ada Hill. I learned at the time that Henry Hill was the husband of Lizzie Hill and the father of the child.

And further the affiant saith not.

Witness
C. D. Rogers

her
Laura x Petty
mark

Suscribed and sworn to before me this 3d, day of July 1903.

O. H. Swanwick
U. S. Commissioner

NEW BORN

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 20, 1906.

Ada Hill

as a citizen of

Creek

Nation.

Approved..... 190..

Commissioner.

Born Oct. 2, 1903.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED

August 18-16

Commissioner.

NEW BORN CREEK FREEDMEN.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
 of Ada Hill, born on the 21 day of October 1903
 (Here insert name of child)
 Name of Father: Henry Hill a citizen of the Creek Nation.
 Name of Mother: Elizabeth Hill a citizen of the U.S. Nation.
 Tribal enrollment of father: None Tribal enrollment of mother: None

Postoffice: Payton, P. T.
 (State in which postoffice is located)

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

I, Elizabeth Hill, on oath state that I am 21

years of age and a citizen by U.S. of the U.S. Nation;

that I am the lawful wife of Henry Hill, who is a citizen, by

adoption of the Creek Nation; that a male child was

born to me on 21 day of October, 1903; that said child has been named

Ada Hill and was living March 4, 1906.

WITNESSES TO MAKE:

[Must be Two Witnesses]

Edward H. Hairs

Elizabeth Hill

Subscribed and sworn to before me this 8 day of August 1906.

H. Hairs

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

..... District.

I,, on oath state that I

attended on, wife of

on the day of, 1906; that there was born to her on said date a

child; that said child was living March 4, 1906, and is said to have been named

WITNESSES TO MAKE:

[Must be Two Witnesses]

.....

Subscribed and sworn to before me this day of 1906.

Notary Public.

Frattin's Roll No. 3535
Approved April 6, 1905

217

IN RE

2275

Application for Enrollment of
INFANT CHILD

Adda Hill

as a citizen of

CREEK.

Nation.

Approved

190

Commissioner.

APR 29 1905

NR 4

220

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Ada Hill (Here insert name of child.) , born on the 2 day of October, 1905
Name of Father: Henry Hill a citizen of the Creek Nation.
Name of Mother: Elizabeth Hill a citizen of the U.S. Nation.
Postoffice Markager

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Western DISTRICT. }

I, Henry Hill , on oath state that I am 23
years of age and a citizen by adoption , of the Creek Nation;
that I am the lawful wife of Elizabeth Hill , who is a citizen, by
her husband , of the U. S. Nation; that a female child was
(Male or Female.)
born to me on 2 day of October, 1905; that said child has been named
Ada Hill , and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this 29th day of April, 1905.

Jera E. Parrish
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
DISTRICT. }

I, _____, on oath state that I
attended on Mrs. _____, wife of _____
on the _____ day of _____, 19____; that there was born to her on said date a _____
(Male or Female.)
child; that said child was living March 4, 1905, and is said to have been named _____

WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this _____ day of _____, 190____.

Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

Ada Hill

as a citizen of

Creek

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR,

BUREAU OF THE FIVE CIVILIZED TRIBES

RECORDED

INDEXED

Cr. Fr. 620

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
Ada Hill (Here insert name of child.) born on the 2nd day of Oct, 1903
 Name of Father: Henry Hill a citizen of the Creek Nation
 Name of Mother: Elizabeth Hill a citizen of the Creek Nation
 Postoffice Mustang, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }

Western DISTRICT. }

I, Elizabeth Hill, on oath state that I am 20
 years of age and a citizen by adoption of the Creek Nation;
 that I am the lawful wife of Henry Hill, who is a citizen, by
birth, of the Creek Nation; that a female child was
 born to me on 2nd day of October, 1903; that said child has been named
Ada Hill, and was living March 4, 1906.

WITNESSES TO SIGN:

(Here in Two
Witnesses.)

Subscribed and sworn to before me this

13 day ofMay, 1905.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }

DISTRICT. }

attended on Mrs.

on the _____ day of _____, 19____;

that there was born to her on said date a _____
 child; that said child was living March 4, 1906, and is said to have been named _____(Here in Two
Witnesses.)

Subscribed and sworn to before me this

day of

1905.

REFER IN REPLY TO THE FOLLOWING:

HP 620

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 21, 1906.

Elisabeth Hill,

Care of Henry Hill,

Muskogee, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child Ada Hill, as a Creek Freedman, you are advised that this office requires proof as to whether she was living March 4, 1906, and a blank form of birth affidavit is herewith inclosed.

Respectfully,

Encl.
1-BA

Commissioner.

Bristow, I.T. Oct 11 1906.

Daws Commission,

Muskego, I.T.

Dear Sir:

I have moved from Boynton to Bristow I have both the children with me and will get my mail at Bristow, I.T. On the Creek roads Lizzie Hill

Or.No.1056.

Muskogee, Indian Territory, January 17, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Aurens Hill, as a Creek Freedman, including the decision of the Commissioner dated January 14, 1907, denying said application.

Respectfully,

Commissioner.

LM-99.

Through the Commissioner
of Indian Affairs.

Cr. No. 1086.

Muskogee, Indian Territory, January 17, 1907.

Lissie Hill,

General Delivery,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Aurena Hill, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-96.

Cr.Rn. 1056.

Muskogee, Indian Territory, January 17, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Aurena Hill, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IM-97.

CRW
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 3970-1907
D.C. 10683-1907.

February 20, 1907.

LRS

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 17, 1907, you transmitted the record in the matter of the application for the enrollment of Aurena Hill as a Creek freedman, including your decision dated January 14, 1907, adverse to the applicant.

Reporting February 16, 1907 (Land 6088), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,

1 inc. and 2 to Ind. Of.

First Assistant Secretary.

AFMc
2-21-07.

Refer in reply to the following:
Land 6088-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 17, 1907, enclosing record of proceedings in the matter of the application for the enrollment of Aurena Hill as a Creek freedman, including a decision of the Commissioner dated January 14, 1907, denying the application.

It is shown by the record in this case that application was made in testimony form on May 7, 1906, supplemented by further testimony on July 23, 1906 and August 4 and 8, 1906, for the enrollment of Aurena Hill as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L. 137).

It appears from the preponderance of the evidence that Aurena Hill was born March 14, 1906, and is the child of Henry Hill, an enrolled Creek freedman, and Lizzie Hill, a non-citizen of the Creek Nation.

The Office is of the opinion that under the provisions of Section 2 of the Act of Congress approved April 26, 1906 (34

Stat. L. 137), under which application was made for the enrollment of Aurora Hill, the decision of the Commissioner to the Five Civilized Tribes denying the application is correct, as the applicant was not a person living on March 4, 1906. It is therefore recommended that the decision of the Commissioner be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE-D

Cr.En.1056.

JWH

Muskogee, Indian Territory, March 4, 1907.

Lissie Hill,

✕ Henry Hill,

Muskogee, Indian Territory.

Dear Madam :--

You are hereby advised that under date of February 20, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the alleged application for the enrollment of your minor child, Aurena Hill, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1057

CR EN 1057

D.A. 89.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Wealaka, I.T., June 28, 1906.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Henry Porter, deceased, as a citizen by blood of the Creek Nation.

M. H. BROWN, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A M. H. Brown.
Q How old are you? A Thirty-seven.
Q What is your post office address? A Wealaka.
Q Are you acquainted with Henry Porter? A Yes, sir, that is Henry.
Q Was he a member of your town? A Yes, sir, he was a member of Euche Town.
Q Do you know when he died? A He died about in January somewhere. They had a dance on New Years and he died right after that time.
Q In what year was that? A That was in 1899. It might have been in December but I think it was in January somewhere.

---000000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 3 day of July, 1906,

Edward Horrick
Notary public.

D.A. 89.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Wealaka, I. T., June 28, 1906.

In the matter of the application for the enrollment of Heney Porter, deceased, as a citizen by blood of the Creek Nation.

THOMAS BROWN, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Thomas Brown.
Q How old are you? A Twenty-eight.
Q What is your post office address? A Bixby.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Euche.
Q Did you know Heney Porter? A Yes, sir.
Q Was he a grown man? A Yes, sir.
Q Did he belong to Euche Town? A Yes, sir.
Q Do you know when he died? A He died in January. He and him was around together about two weeks and was up on Pole Cat Creek and we came on back and we had a dance up here. It was on New Years night and in the morning he went on down to Concharke and I went back to Pole Cat and just about two weeks after that I heard he was dead.
Q That was in January, 1899? A Yes, sir.
Q You are sure of the month and year? A Yes, sir.
Q Was he related to Carthelance Fox? A I think so. They claimed kin.

---00000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 2nd day of July, 1906.

Edward Merriem
Notary public.

En. 1057.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

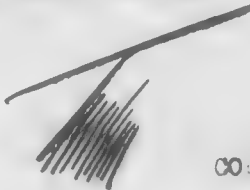
In the matter of the application for the enrollment
of Heney Porter, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on September 4, 1902, affidavits of the death of the applicant, Heney Porter, made by his uncle, Cartholana, and an acquaintance, Willie Fox, were filed in the office of the Commission to the Five Civilized Tribes. Further proceedings in the case were had on June 28, 1906.

The weight of the evidence in the case shows that said Heney Porter died in January 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Heney Porter as a citizen by blood of the Creek Nation, and his application for enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

JAN 25 1907

COMMISSIONERS:
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLIBON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D. C. 89.

Muskogee, Indian Territory, January 30, 1904.

Cartholana,

Wealaka, Indian Territory.

Dear Sir: .

There is on file with the Commission an affidavit executed by you relative to the death of your nephew, Hency Porter, who, it is claimed, is entitled to enrollment in the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the death of said Hency Porter, for the purpose of being examined under oath.

Respectfully,



Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

En. 1057.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

CM

Muskogee, Indian Territory, January 26, 1907.

Cartholana Fox,

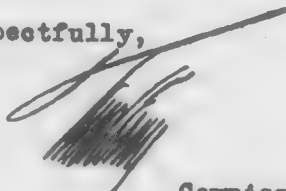
Wealaka, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Heney Porter, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,



Commissioner.

Register.

Inc. CM-26-2

En. 1057.

Muskogee, Indian Territory, January 26, 1907.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Henry Porter, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

CM-26-3

En. 1057.

Muskogee, Indian Territory, January 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Henry Porter, deceased, as a Creek citizen, including the decision of the Commissioner, dated January 25, 1907.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Inc: CM-26-4

Referin reply to the following:
Land : 9423-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

COPY

WASHINGTON, February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 26, 1907, enclosing record in the matter of the application for the enrollment of Heney Porter, deceased, as a Creek citizen, including the decision of the Commissioner, dated January 25, 1907, denying the application.

The record of this case shows that affidavits of the birth of the applicant, Henry Porter, were filed in the Office of the Commissioner to the Five Civilized Tribes on September 4, 1902, by Cartholana, his uncle, and Willie Fox, an acquaintance.

Further proceedings were had on June 28, 1906, and the weight of evidence adduced at that time shows that Heney Porter died in January, 1890.

The Office is therefor of the opinion that the decision of the Commissioner, denying the application for the enrollment of Heney Porter, is correct, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

J.P.
FHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

4322
I.T.D. 4128, 4258, 4372, -1907.
4666, 4678, 4682, 4692-1907.
4694, 4734-

February 27, 1907.

LRS.

DIRECT

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
W.T. Petty, (Freedman)	January 31, 1907.
Patsy Durant Grayson, (Freedman)	January 28, 1907.
Mary Jane Winton,	October 17, 1906,
Jeanna Add (or Ard), (Freedman)	October 16, 1906,
Barney and Lizzie McGey,	January 26, 1907.
Eldora Bruner, (Freedman)	January 26, 1907.
Kimichia Walker, (Freedman,	January 31, 1907.
Honey Porter,	January 26, 1907.
Lida McCulla,	January 26, 1907.
Lucindy Grayson, (Freedman)	January 26, 1907.

Copies of Indian Office letters submitting your reports
and recommending that the decisions be affirmed are inclosed.
A copy hereof and all the papers in the above mentioned cases
have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

10 inc. and 21
for Ind. Of.
A. F. Mc
2-28-07.

Of. No. 1087.

Muskogee, Indian Territory, March 6, 1907.

M. H. Brown,

Wualaka, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of February 27, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Henry Porter, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1058

CR EN 1058

IN RE

Application for Enrollment of

INFANT CHILD

Ruth Deere

as a citizen of the

Chippewa Nation.

Approved, 190.....

.....
Commissioner.

*Born Nov 9-1898**Died Apr 23, 1899**Filed June 3-1901*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Ruth Deere, born on the 9th day of November, 1898
(Here insert name of child.)
Name of Father: Tecumseh Deere, a citizen of the Creek Nation.
Name of Mother: Nancy Deere, a citizen of the Creek Nation.
Post-office, Wetake, D. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Northern District. }

I, Nancy Deere, on oath state that I am 22
years of age and a citizen, by blood, of the Creek Nation;
that I ~~am~~ ^{was} the lawful wife of Tecumseh Deere, now ~~deceased~~ ^{was}, who ~~is~~ ^{was} a citizen, by
blood, of the Creek Nation; that a female child was
(male or female)
born to me on the 9th day of November, 1898; that said child ~~has been~~ ^{was}
named Ruth Deere, and is ~~now living~~ ^{died} on 23rd
day of April 1899

WITNESSES TO MARK:

(Must be Two Witnesses.) { W. E. Clinton
Lehas Sherrill

Subscribed and sworn to before me this 25 day of May, 1901.

Francis R. Brennan
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Northern District. }

I, Mary Ann Tiger, a midwife, on oath state that I
attended on Mrs. Nancy Deere, wife of Tecumseh Deere,
on the 9th day of November, 1898; that there was born to her on
said date a female child; that said child ~~is now living and is said to have been~~ ^{was}
(male or female)
named Ruth Deere ~~and died on 23 day April 1899~~

WITNESSES TO MARK:

(Must be Two Witnesses.) { Susannah England
Leas Tiger

Subscribed and sworn to before me this 27 day of May, 1901.

Francis R. Brennan
NOTARY PUBLIC.

39 Creek Inst No. 1113

IN RE

Application for Enrollment of

INFANT CHILD

Ruth Deere

as a citizen of

Creek

Nation.

Approved, 190

Commissioner.

Born Nov 9, 1898

Died Apr 13, 1899

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

June 8, 1901

ACTING CHAIRMAN.

Recd 6/13/01

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Ruth Deere, born on the 9th day of November, 1898
(Here insert name of child.)
Name of Father: Tecumseh Deere, a citizen of the Creek Nation.
Name of Mother: Nancy Deere, a citizen of the Creek Nation.
Post-office, Wealaka, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Nancy Deere, on oath state that I am 22
years of age and a citizen, by blood, of the Creek Nation;
that I ~~was~~ the lawful wife of Tecumseh Deere now deceased, who ~~is~~ ^{was} a citizen, by
blood, of the Creek Nation, that a female child was
(male or female.)
born to me on the 9th day of November, 1898; that said child ~~has been~~ ^{was}
named Ruth Deere, and ~~is now living~~ ^{died on the}
23rd day of April, 1899

WITNESSES TO MARK
(Must be Two Witnesses) W. C. Clinton
Lehua Sherville

Nancy Deere

Subscribed and sworn to before me this 25th day of May, 1901.
Francis R. Brennan
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Mary Ann Tiger, a midwife, on oath state that I
attended on Mrs. Nancy Deere, wife of Tecumseh Deere,
on the 9th day of November, 1898; that there was born to her on
said date a female child; that said child ~~is now living~~ ^{was} ~~and is said to have been~~
(male or female.)
named Ruth Deere and died on the 23rd day of April, 1899

WITNESSES TO MARK:
(Must be Two Witnesses) Mary Ann Tiger
her mark

Subscribed and sworn to before me this 27 day of May, 1901.
Francis R. Brennan
NOTARY PUBLIC.

D.A. 39.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Wealaka, I. T., June 28, 1906.

In the matter of the application for the enrollment of Ruth Deere, deceased, as a citizen by blood of the Creek Nation.

M. H. BROWN, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A M. H. Brown.
Q How old are you? A Thirty-seven.
Q What is your post office address? A Wealaka.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Nancy and Tecumsey Deere? A Yes, sir.
Q Do you know a child of theirs named Ruth Deere? A Yes, sir, that was the baby's name.
Q Do you know when that child died? A Not exactly but I believe it was in the Fall of 1898. My child died May 18, 1898, and my wife's mother came and told my wife that they were fixing up the papers for that child and that we ought to fix up the papers for our child and I told my wife we couldn't do it because our child died in May, 1898. Nancy's child died the same year.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 3 day of July, 1906.

Edward Herrick
Notary public.

D.A. 39.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Wealaka, I. T., June 28, 1906.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Ruth Deere, deceased, as a citizen by blood of the Creek Nation.

WILLIS CLINTON, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Willis Clinton.
Q How old are you? A Thirty-four.
Q What is your post office address? A Wealaka.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Nancy Deere? A She is my sister.
Q Is she known by any other name? A I thought she was enrolled as Deere. Her maiden name was Clinton.
Q Do you know a child of hers named Ruth Deere? A Yes, sir.
Q Who was the father of the child? A Tecumsey Deere.
Q Do you know the dates of the birth and death of this child? A I have a record of it.

Witness presents a book entitled, "Biblical Antiquities."
On a blank page, in the back, of which, among other entries, is found the following entry: "Ruth Deere Baby born Nov. 9th 1898. April 23, 1899."

- Q Does this refer to the birth and death of Ruth Deere? A Yes, sir.
Q Who made this record? A I did.
Q When did you make the entry about the birth of the child? A The same day the child was born.
Q When did you make the entry relative to the death of the child? A I don't remember exactly but it seems to me that I made it shortly after the burying.
Q Was there any other record made about the birth and death of this child? A No, sir.
Q No record on the head-board or tomb stone? A No, sir.

---oooOooOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 3 day of July, 1906.

Edward Herrick
Notary public.

A.W.C.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ruth Deere, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on June 3, 1901, there was filed in the office of the Commission to the Five Civilized Tribes the affidavits of Nancy Deere and Mary Ann Tiger as to the dates of the birth and death of Ruth Deere, the deceased child of the said Nancy Deere, which affidavits are considered as an application for the enrollment of said child. Further proceedings in the matter of said application were had on June 28, 1906.

It appears from the evidence in the records of this office that the said Ruth Deere was a daughter of Nancy Deere, who is identified upon the authenticated 1890 Creek tribal roll, Euchee Town, as Nancy Micco and also upon the 1895 pay roll of the same town, and of Tecumseh Deere, who is identified upon the authenticated 1890 Creek Tribal roll, Concharde Town, and also upon the 1895 pay roll of the same town. Both of said parents appear upon the schedule of Creek Citizens by blood approved by the Secretary of the Interior, March 13, 1902, opposite numbers 3599 and 3598, respectively.

The evidence as to the date of the death of the applicant is somewhat conflicting but the weight of it is that she was living on April 1, 1899.

It is, therefore, ordered and adjudged that the said Ruth Deere, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the Acts of Congress approved June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory,
FEB 2- 1907



Commissioner.

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B. A. 39.

Muskogee, Indian Territory, September 29, 1903.

Nancy Deere,

Wealaka, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth and death of your minor child, Ruth Deere, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further testimony be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 20, 1906.

Nancy Moore,

Woolah, Indian Territory.

Dear Madam:

There are on file with the Commission certain papers by you relative to birth and death of your minor child, Nell Moore. The Commission desires further evidence in said case.

You are hereby notified to appear before the Commission at Sapulpa, Indian Territory, July 10, 1906, with at least two other witnesses who know the exact dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

REPORT IN REPLY TO THE FOLLOWING:

B A 39.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of Ruth Deere, deceased, as a citizen by blood of the Creek Nation, I have the honor to report that the Creek field party is unable to secure further evidence and there are returned herewith copies of records in said cause.

Respectfully,

In charge of Creek field party.

CR EN 1059

CR EN 1059

No.

In re application of
Charlotte M. Quarles, et al.

for
Enrollment as
Citizens of the
Creek Nation
Motion to reopen

Lined March 3, 1906

Eck E. Brook,
Attorney for applicant.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Honorable Tams Bixby, Commissioner.

Your petitioner, Charlotte M. Quarles, nee Berryhill, by her husband, Henry Quarles, a resident of the Creek Nation, and a citizen by blood of said Nation, makes application for herself, together with their five children, named respectively:

Bessie Myrtle Berryhill, age 20 years,

Nora May Berryhill, age 19 years,

Bennie Berryhill, age 18 years,

Ina F. Berryhill, age 15 years,

Oliver Perry Berryhill, age 12 years,

most respectfully says:

First: That by reason of her Creek ancestry and Creek blood she should be allowed to participate in the lands and funds of the Creek or Muskogee Nation; that she is the daughter of Andrew J. Berryhill, who was a bona fide citizen of the Creek or Muskogee Nation, and whose name appears upon the old Settlers' roll made by and between the United States Government and the Creek people in the year 1858 (reference to which is here made to Roll now on file in the case of Theodore Berryhill, et al, and now pending before the Department at Washington City); that Andrew J. Berryhill is a brother of Russell Berryhill, and they were both descendants of John Dallas Berryhill, who was also a citizen by blood of the Creek or Muskogee Nation, and whose name appears upon the authenticated roll of Old Settlers made between the United States Government and the Creek people, and enrolling that portion of the Creek tribe of Indians and their descendants who emigrated west of the Mississippi prior to the Treaty of 1832, duly signed and attested between the respective representatives of the Creek or Muskogee Nation on the one hand and the United States Government on the other in the year 1858; that this applicant, Charlotte M. Quarles, is a sister

of Theodosia E. Berryhill; that she has one eighth per cent. Indian blood in her veins; that the applicant herein begs leave to file or asks that the application, together with the testimony and the entire transcript of record as filed heretofore in the case of Theodore Berryhill, et al, and Mary Ann Snyder, et al, be made a part of and become a part of the record and be used in this motion to reopen this application.

Your petitioner herein says that this application is made in good faith; that she believes that that is an opportunity is given her to again present her claim to citizenship in the Creek or Muskogee Nation that she can establish beyond the peradventure of a doubt her right to share in the distribution of funds in the Creek Nation; that she is a cousin by blood of Theodore Berryhill, as well as a cousin by blood of Mary Ann Snyder, and all the Berryhills that have given their testimony in the consolidated cases Numbered 993; that due and proper application has heretofore been made by the applicant herein to become a citizen of this Nation as will be seen by reference to records now on file in the Department.

Wherefore your petitioner, the applicant herein, most respectfully prays that this, her motion, be granted; that she be again given an opportunity to appear before the Commission, at a time to be agreed upon by the Commission, in order that she may be present and give testimony for enrollment, to the end that justice may be done.

Henry M. Quarles.

United States of America,
Western Judicial District, SS:
Indian Territory.

Comes now, Henry M. Quarles, who being by me duly sworn upon his oath says that he is the husband of the applicant herein, Charlotte M. Quarles, nee Berryhill, and that he has heard the above and foregoing application read over, and that the facts and things therein contained are true to the best of his knowledge, information and belief.

Henry M. Quarles

Subscribed and sworn to before me this third day of March, 1908

My Comm. expires Oct 5 1908

W. N. Brown

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CR EN 1060

CR EN 1060

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 26, 1906.

In the matter of the application for the enrollment of
Julia Conelius, et-al, as citizens of the Creek Nation.

APPEARANCES: E. H. Mott, attorney for Creek Nation.

Julia Conelius, being first duly sworn, testified as
follows:

Questions by Commissioner:

- Q: What is your name? A: Julia Conelius.
Q: Have you any other name? Are you ever known by any other name? A: No sir, only my maiden name, Julia Mills.
Q: Did you ever go by any other name than Julia? A: No sir.
Q: Were you ever known by the name of Cornelius, instead of Conelius? A: No sir.
Q: How old are you? A: 44.
Q: When were you 44? A: The 5th. day of last December.
Q: What is your post-office address? A: Sacul, Texas.
Q: What county is that in? A: Nacogdoches County.
Q: How long have you been here in the Creek Nation?
A: I just came in a few days ago.
Q: Before that you lived in Texas? A: From the time I left here, I did.
Q: How long were you in Texas? A: I was in Texas, I disremember, I can't give you the exact date.
Q: How long had you been in Texas before you came up here?
A: I had been down there somewhere about 20 years.
Q: Have you been there more than 20 years? A: I couldn't say that I have, I wouldn't be positive.
Q: Don't you remember the year you went down there? A: No sir.
Q: Did you live in Nacogdoches county, all the time, in one place? A: Yes sir.
Q: Probably there might be some people there who would know the year you came there? A: Yes, they might.
Q: Can you suggest the name of some people that probably would know? A: Mr. Pye and Mr. Lucas.
Q: They are old settlers there, are they? A: Yes sir.
Q: They would be likely to know when you got there? A: Yes Mr. Pye is the oldest man I know in Nacogdoches county.
Q: Where did you come from when you went to Texas?
A: Why in the territory close to Eufaula, two miles, I think it was.
Q: How long had you been there? A: 4 years.
Q: Before that where were you? A: I was born in Texas.
Q: How long did you live there until you went to Eufaula?
A: I lived there until I was, somewhere let me see, well I lived there until I married.
Q: Lived in Texas until you married did you? A: Yes sir.
Q: Who was that man you married? A: Conelius.
Q: What is his first name? A: Henry Conelius.

- Q: You married him in Texas? A: Yes sir.
- Q: Then you moved to the Creek Nation near Eufaula and lived there 4 years and then went to Texas and stayed there until you came up on a trip? A: Yes sir.
- Q: What is the name of your father? A: V. J. Willis.
- Q: What was his name? A: Vard Willis was my father's name he was born and raised here.
- Q: Was he a citizen of the Creek Nation? A: Yes sir.
- Q: Is he living? A: No sir, he is dead.
- Q: How long has he been dead?
- A: I couldn't give you the exact date.
- Q: About? A: He has been dead about somewhere near 30 years
- Q: Did your father claim to be an Indian by blood? A: Yes sir.
- Q: How much blood did he have? A: He claimed a half part. My father claimed a half, my mother a quarter.
- Q: What was her name? A: George Annie Barryhill, that was her maiden name.
- Q: She is not living is she? A: No sir, she died and was buried here.
- Q: How long has she been dead? A: Somewhere along about 13 years, I expect. I wouldn't give you the exact date because I don't remember, and I want to tell the truth so help me God. Somewhere about that date, though.
- Q: You claim then, if you make any claim at all, that you are a citizen by blood of the Creek Nation? A: Yes sir, I am a citizen by blood.
- Q: About how old were you when you were married? A: I was 14 years and 15 days.
- Q: Did you ever draw any money from the Creek Nation?
- A: Yes sir.
- Q: Do you know Mr. W. E. Gentry? A: He is the man who sent me my check.
- Q: He sent it to you? A: Yes sir.
- Q: You were in Texas and he sent it to you did he? A: Yes sir.
- Q: How long had you been in Texas, there, at the time he sent you that money? A: That was, I couldn't tell you.
- Q: To assist you now, you say you were born in Texas, and at the age of 14 years and 15 days you were married in Texas?
- A: Yes sir.
- Q: Then after you were married, you came up here? A: Yes sir.
- Q: Stayed here about 4 years? A: Yes sir.
- Q: Then went back to Texas? A: Yes sir.
- Q: How long after that before he sent you that money? About how many years Mrs. Conelius? A: It has been somewhere about 16 or 18 years, somewhere about that time.
- Q: Do you mean from now? A: Yes sir.
- Q: How long had you returned to Texas from the Creek Nation when he sent you that money? A: I don't know sir, I believe it was about 4 years. I think so.
- Q: Now you say you came to the Creek Nation after you were married, from Texas? A: Yes sir.
- Q: How long had you been married before you came to the Creek Nation at that time? A: I had been married about 8 years.
- Q: Now I will ask you again, is that the nearest you can come to it, the length of time you were married when you came up here? A: Yes, I think it is.

- Q: To help you remember, during the first year of your married life did you have any children? A: Yes sir.
- Q: How many did you have? A: We had 2 children when we came to the territory.
- Q: How long were you married before you had the first one? A: Somewhere over a year.
- Q: Then how long before the next child was born? A: The best I can recollect she was born in February the 24th and he was born in March of the next year.
- Q: How long after that before the third child was born? A: He was born here in the territory.
- Q: How long after the 2nd. child, was it a long time? A: My first two children died right young, I had forgotten that now.
- Q: Now that piece of paper you have handed me, J. C. Conelius is that you? Date-- December 5, 1861? A: Yes sir.
- Q: Then it says, S. S. Conelius, who is that? A: That is this son who is with me. You see our first children died and we ain't got our dead children down there. That is the son who is with me.
- Q: Your first 2 children died? A: Yes sir. The one died at 3 months old and another died, he was 5 years old. I left out my dead children.
- Q: What child was born when you were here? A: He was my 4th. child.
- Q: Which was that? A: That was Jeff. He was born here.
- Q: That was in 1883? A: Yes sir.
- Q: How long had you been here before he was born? A: He was born the second year after I came here.
- Q: That was in 1881, then? A: It was the second year after I came.
- Q: When did you leave here? Which was the youngest child when you left here? A: L. L. Short. You will see her name afterwards.
- Q: That one was born in 1885? A: Yes sir.
- Q: How old was she when you left here? A: She was born in June and I left here in December of the same year.

(Witness presents a memorandum which is made a part of the record in this case, the first item of which has been read, the second is J. S. C.---Witness explains and says that is the boy that is with her. (March 17, 1861).
The 3rd. is W. J. C. --Birth (March 3, 1883)
The 4th. is L.L. Short--Birth (June 9, 1885)
The 5th. is H.M. C. Birth (June 9, 1885)

- Q: Was H. M. C. born in Texas? A: Yes sir.
- Q: How long had you been there when he was born? A: Well, I couldn't remember, I guess somewhere close to 2 years may be.
- Q: To the best of your recollection it has been over 20 years since you left here? A: Yes sir.
- Q: You don't know whether it is over 21 years or not do you? A: No sir. I don't know, I couldn't tell you honest.

- Q: What did you copy this off of? (Referring to paper)
- A: Off our family bible, our record right out of the bible.
- Q: Do you think this is a correct copy? A: Yes, I know it is correct.
- Q: The reason that money was sent you, is because you were not here, is it? A: Yes sir.
- Q: Did you ever see your name on the roll? A: No sir, I never saw it.
- Q: You were not here to draw it yourself? A: No sir.
- Q: How much money did you receive? How much money did Mr. Gentry send you? A: \$198.
- Q: Did he tell you what that was for? A: No sir, he didn't tell me what that was for. I think the best I can recollect, it said pay to the order of J. C. Conelius, the sum of \$198.
- Q: Did he tell you how many people that was supposed to be the money for, the \$198? A: No sir.
- Q: What did you say to the best of your recollection, it said
- A: Pay to the order of J. C. Conelius, the sum of \$198.
- Q: Are you sure that was the amount? A: I wouldn't swear it.
- Q: You don't know what different people then, that was supposed to be the money for, do you, or for how many? A: I can't remember.
- Q: Have you a letter in your possession that he wrote to you transmitting that money? A: No sir, I haven't the letter at all.
- Q: Was that a check, or draft or what? A: It was a check.
- Q: Don't you remember what he said in explanation of why he sent you that money? A: No sir, I don't think I do. At the same time he sent that money, my husband was here after the money, my sister wrote him that the payment was going on, but I wasn't able to come and Mr. Gentry forwarded the check to me, and it beat my husband home.
- Q: So the old man didn't get it? A: No sir.
- Q: How many years ago was that as you remember it? A: The best I can recollect it has been somewhere close to 16 or 18 years.
- Q: That is an important difference, 16 or 18 years? A: I know it but I can't explain it better.
- Q: If we had a copy of the letter we might get the date from that.
- Q: How long had you been there in Texas from the territory at the time you got that money? A: I expect I had been there about 4 years.
- Q: You say that the money beat your husband home and that your husband came up here during the time of the payment?
- A: Yes sir, he did so. He was right here.
- Q: Do you claim to belong to any Creek Indian town? A: Yes sir
- Q: Where? A: Broken Arrow.
- Q: Where did you get that information? A: I got that information from my mother and also from C.H. Smith, he recognized us in his town.
- Q: Have you ever heard that you belonged to any other town?
- A: No sir.
- Q: Your husband whose name you have mentioned is not an Indian
- A: No sir.
- Q: Doesn't claim any Indian blood at all? A: No sir.
- Q: What is the name of your oldest child you gave birth to?
- A: His name was Daniel Varden. Named for both of his granddaddies.
- Q: What year was he born? A: The first year I was married.

- Q: He only lived three months? A: Yes sir.
 Q: What was the name of your next child? A: Mary Alice Cornelius.
 Q: How long did she live? A: She lived 5 years.

Questions by M. L. Mott, attorney for Creek Nation.

- Q: Where was your husband from? A: From South Carolina.
 He was mostly a Texas man.
 Q: Is he living? A: Yes sir.
 Q: Well now you say this second child lived 5 years? A: Yes sir.
 Q: Where did she die? A: In Texas.
 Q: Try to think of this point; how long, now, had you been in Texas from the territory? Was she ever in the territory?
 A: No sir. She died and we left in 2 weeks after her death and came here.
 Q: You started away from there 2 weeks after her death? A: Yes sir.
 Q: And she was born, you say, the second year after you were married? A: Yes sir.
 Q: What was the name of the 3rd. child? A: George Annie Cornelius. She was named after her grand-mother.
 Q: You have named, already, a boy and girl who are dead?
 A: Yes sir.
 Q: And the next child was George Annie Dornelius? A: Yes sir.
 Q: Is she living? A: No sir, she is dead but she was married.
 Q: When was she born? She is not on this list, is she?
 A: If she is, she is at the bottom, her children are at the bottom.
 Q: But she is not on the list? A: No sir, I haven't got the dead ones on there.
 Q: The 3rd. child when was she born? A: She was born in February, the 24th. Let me see, I can't tell you what year because I am so forgetful.
 Q: How long had you been married about when she was born? How long after the birth of the one just before? A: Let me study a minute. I have it on the record, but I can't tell you now.
 Q: How old was she when she died? A: She was somewhere close to 21 or 22 years when she died.
 Q: How long after you received that letter with the money in it was it before she died, or was she living at that time?
 A: No sir, she was living then, she was not dead then.
 Q: How long did she live after that? How long has she been dead, George Annie? A: She will be dead 6 years the 11th of this coming October. I think that is the date, I can look at that paper, or you can see for yourself. Look at the bottom and see. Ida Beard, that is her eldest child, and she died 11 days after Anna Beard was born.

(It appears from this record that Ida--- L. L. Beard, birth March 19, 1899.

G. A. B.---September 29, 1900)

By Commissioner.

- Q: You say your eldest daughter George Annie died 11 days after the birth of that child? A: Yes sir, That made it the 7th. day of October.
 Q: What year? A: 1900.

- Q: Where did she die? A: In Texas.
- Q: How long had she been there? Had she ever been in the Creek Nation? A: Yes sir.
- Q: How long had she been back there at the time she died?
- A: Why she had been back there, time enough to have 2 children.
- Q: You were all living there at the time, wasn't you? A: Yes sir.
- Q: Had your house-hold good there and in fact your home was there at that time? A: Yes sir.
- Q: Are those the only two children she had? A: Yes, that is all she had.
- Q: These two children have never been in the Creek Nation?
- A: No sir.
- Q: They are living are they? A: Yes, both of them are living
- Q: But they have never been in the Creek Nation? A: No sir.
- Q: Those are the children of your daughter George Annie Cornelius, who married a man named Beard? A: Yes sir.
- Q: What is his first name? A: Charley.
- Q: He is not a citizen is he? A: No sir.
- Q: Is he living? A: Yes sir.
- Q: What is the name of your next child after George Annie?
- A: That is the child who is with me.
- Q: What is his name? A: Julian.
- Q: Is that the one that appears on here as J. S. C.?
- A: Yes sir.
- Q: This memorandum that you copied from the bible, shows he was born March 17, 1881? A: Yes sir.
- Q: He is a child of yours by Henry Cornelius, a non citizen?
- A: Yes sir.
- Q: What is the name of your next child? A: W. J.
- Q: From this, it appears he was born March 3, 1893? A: Yes sir
- Q: Is he living? A: Yes sir.
- Q: He is not here though? A: No sir.
- Q: Where was he born? A: Here in the territory.
- Q: What is the name of the next child? A: L.L.
- Q: That is L. L. Short, she is married, and I think that is put down there as Shert, is it not?
- Q: It appears from this record that L. L. Short was born June 9, 1895? A: Yes, we were still here when she was born that was before we left the territory.
- Q: You left the same year? A: Yes sir. She was born in June and we left in December following.
- Q: Is she living? A: Yes sir, she is living.
- Q: She is not here today? A: No sir, she is not here. She has one little girl.
- Q: Where does she live? A: In Texas.
- Q: She is in Macogdoches County, Texas? A: Yes sir.
- Q: In the same neighborhood you used to live in?
- A: Yes sir, same neighborhood where I lived.
- Q: How the name of your daughter is L. L. Short? A: Yes sir.
- Q: You say she had one child? A: Yes sir.
- Q: What is the name of that child? A: Evy.
- Q: You mean Eya like in Uncle Tom's Cabin, do you?
- A: No sir, Evy is the way we spell it.
- Q: Well now Mrs. Cornelius, this Evy is the one referred to as Evy G. Short? A: Yes sir.
- Q: This paper shows she was "birthed" February 25, 1905. Is Evy living? A: Yes sir.
- Q: What is the name of the father of this child? A: Wm. Short
- Q: He is a state man is he? A: Yes sir.
- Q: Is he living? A: Yes sir.

- Q: After L. L. what is the name of your next child? A:
A: H. M.
- Q: This memorandum shows he was "birthed" July 1, 1887? Is he living? A: Yes sir.
- Q: Where? A: In my house.
- Q: In Texas? A: Yes sir.
- Q: Where was he born? A: In Texas.
- Q: How long had you been there at the time he was born?
- A: It is a hard matter for me to answer those questions.
- Q: This record shows he was born the 1st. day of July 1887 can you tell me how long you had been there before you had that child? A: No sir, I can't remember, for I am no scholar.
- Q: You might tell about the length of time you were there? A:
A: I can't count back to do no good, I can't remember that.
- Q: What is the name of your next child? A: J. A.
- Q: Is he living? A: Yes sir.
- Q: This memorandum shows that "J. A. C. birth March 25, 1889" Where is he living? A: At home in Texas.
- Q: And the name of your next child? A: J. G.
- Q: This record shows that J.G. C. birth November 18, 1891. Is he living? A: Yes sir.
- Q: Where? A: At my home in Texas.
- Q: Their father and all live there together? A: Yes sir, all except this one boy that came up here on this trip with me.
- Q: What is the name of the next child? A: V. G.
- Q: V. G. C.--appears from this memorandum, he was born November 26, 1893. Is he living? A: Yes sir.
- Q: What is the name of your next child? A: G. H.
- Q: Did you have one between these two? A: No sir.
- Q: Who is this M.C.C. who appears on this list here?
- A: That is my little girl, did I forget her and leave her out she come between J. A. and J.G. That is M. C. she came between these other two.
- Q: This record shows that M.C. C. was born October 12, 1895, w where is she? A: Living at my house in Texas.
- Q: What is the name of the next one? A: G. M.C., born September 6, 1898. Is G. M. living? A: Yes sir. He is living at my home in Texas.
- Q: At the time G.M. was born was your daughter Mrs. Short living? A: Yes sir.
- Q: She didn't die that year, the year your son G.M. was born?
- A: Mrs. Short ain't dead. Mrs. Beard was dead when George was born. She was dead when my baby was born.
- Q: Which is correct was she living when G. M. was born?
- A: Yes sir.
- Q: She didn't die that year? A: No sir.
- Q: What is the name of your next child? A: B. F.
- Q: It appears from this record that B. F. C. --birth-- Feb. 15, 1901. You say he is living? A: Yes sir.
- Q: Where? A: At home in Texas.
- Q: Never had any children since? A: No sir.
- Q: Who is this Iris Cornelius on here? A: That is a child by this son that is with me, he has two children.
- Q: He has one, Iris Cornelius, born September 29, 1900, is that correct? A: Yes sir.
- Q: Is she living? A: Yes sir.
- Q: Where? A: In Texas.

- Q: At your home? A: At her mother's father's home there.
 Q: What is the name of his next child? A: Finis.
 Q: There is a S. P. C. here, birth January 11, 1904?
 A: That is Finis.
 Q: What is the name of the mother of these two children of your son? A: E. P. Conelius.
 Q: Is she living? A: Yes sir.
 Q: Is she a state woman? A: Yes sir.
 Q: She is down there taking care of those two children?
 A: Yes sir.
 Q: Is that all he has living? A: Yes sir, he had one died.
 Q: When was the last one born? A: Iris is the last.
 It is his second child that died.
 Q: What is his name? A: Wyatt Bertie.
 Q: When was Wyatt Birdie born? A: I can't tell you.
 Q: Was he born after Iris? A: Yes sir.
 Q: A year after? A: Yes, I reckon about.
 Q: How long did he live? A: He was about 4 months old when he died.
 Q: Die in Texas did he? A: Yes sir.
 Q: Was born and died in Texas? A: Yes sir.
 Q: Your daughter who married Short had a child, and your daughter who married Beard had 2 children?
 A: Yes sir.
 Q: That is all isn't it? A: Yes sir.
 Q: Your son, this boy here had three, two of which are now living in Texas? A: Yes sir.
 Q: None of your other children had any children, had they?
 A: This daughter that married Short had one but it died.
 Q: What was the name of that Short child? A: Edith.
 Q: How was Edith older than Evy? A: Yes sir.
 Q: Was she born they year before? A: Yes, she was a year and a half old when it died but this baby won't be a year old until July. Evy ain't a year old until July. She is a year old in this month.
 Q: I want to know about that other child that died, did she die before Evy was born? A: No sir, Evy was born in July and this baby died in October.
 Q: How old was it at that time? A: A year and a half old.
 Q: It was born and died in Texas? A: Yes sir.
 Q: Never had been in the Creek Nation, had it? A: No sir.
 Q: His father has never been in the Creek Nation? A: No sir.

Questions by M. L. Mett: Attorney for Creek Nation:

- Q: Do you live down there on the farm? A: Yes sir.
 Q: Live in the country? A: Yes sir.
 Q: Have you got a good farm there? A: Tolerably for that country.
 Q: How many acres? A: 130, that is all we have got.
 Q: 130 acres. Is it bottom land? A: No sir, it is up land.
 Q: That is your home, is it? A: That is my husband's home, he owned it before I married him.
 Q: Are you thinking of leaving there?
 A: Yes, I am thinking of coming here, that is what called me here to get my home here.
 Q: Did you come here to live? A: Yes sir, I want to stay here always as long as I live, my sisters are all here, all the connection I have got is here except my children at home.

- Q: If you don't get your land what are you going to do?
 A: If I don't get my land, I don't know what I will do.
 Q: Are you going to stay or go back to Texas? A: I don't know which is best, pay rent or own that old home. Oh, I don't know.
 Q: But if you get your land, you are coming here for certain?
 A: Yes, if I get my land I am coming here to live.
 Q: When you came here this time, did you intend to stay or go back? A: No sir, it is my intention to stay, that has been known by my sisters, that it was my calculation to move and live here is I can get my land.
 Q: How long have they been enrolled? A: I don't know.

Questions by Commissioner:

- Q: Now you said your 3rd. child was named George Annie, did she ever have any other name, do you know? A: No sir.
 Q: Was she ever called Annie Cornelius? A: That is what we called her, Annie.
 Q: She was your oldest living child? A: Yes sir.
 Q: She is now dead, isn't she? A: Yes sir.
 Q: The other two that were older than she, died in a short time after they were born? A: Yes sir.
 Q: Right after Annie came Julian? A: Yes sir.
 Q: After Julian came Jefferson? A: yes sir, his name is William Jefferson and we called him Jeff.
 Q: Is Jeff living? A: Yes, Jeff is living.
 Q: Do you know if any money was drawn for Jeff?
 A: I guess when I drew the money it was for Jeff.
 Q: You only guess, you don't know do you? A: I know one thing when I got the money it was used in the family.
 Q: What is the name of the next one after Jeff? A: We call him Henry. Henry Mitchell is his full name, we call him Henry.
 Q: You have him down here as H. M. Did you say who was the next one after Jeff? A: Yes sir, that is Lily Shert.
 Q: The next one after that is what? A: Is H. M. or Henry.
 Q: What is the next one? A: J. A. or Johnny.
 Q: Was this Jeff ever called Jack? A: We called him Jack when he stayed here in the territory, he has 3 names, named after 3 of his uncles.
 William Jefferson Jackson was his name.
 Q: William Jefferson Jackson Cornelius? A: Yes sir.

(On 1890 roll of the Creek Nation for Broken Arrow appears on page 224 in one group the following set of names.

- (1) J. C. Carnelious
- (2) Annie Carnelious
- (3) Juline Carnelious
- (4) Jack
- (5) Lillie
- (6) Henry
- (7) John

- Q: This child born in 1889 down here, I believe is J. A. G. is it? A: Yes, we call him Johnny, his name is John Agy.
 Q: Who is this J. G. C. after that? A: That is Joseph Gilmore

- Q: He was born in '91 was he? A: Yes sir.
Q: This V. G. who is that? A: We call him Vinyard.
Q: Is that ~~sub~~boy? A: Yes sir, he is a boy.
Q: Who is this M. C. A: That is Minnie Cornelius, she has part of my name.

Reference is made to Old Creek Census card 370 whereon appears the head of the family, Cornelius, Julia and 8 members of her family, her children as follows: Annie, Julian, Jeff, John, Henry, Joseph, Vincy and Minnie

The name of L. L. Short or Lily referred to in the group on the '90 roll does not appear on this card, nor can it be found on any of the records of this office.

The names of G. M. C. and B. F. C., the two youngest children, do not appear on any of the records. The 1895 rolls for Broken Arrow town examined and the 1895 omitted rolls examined and the names of none of the applicants herein found.

- Q: Did you ever make any application for the enrollment of yourself or any of you children as citizens of the Creek Nation? A: Yes sir.
Q: When? A: Why we were all enrolled once, me and all of my children, that is my older children.
Q: By whom? A: By some authority of the Creek Nation do you mean? A
Q: Yes. Did you ever make any application to the Dawes Commission or to the Commissioner to the Five civilized tribes? A: My husband did.
Q: When? A: Well, I don't know, it has been-----
Q: Do you mean the time he was up here looking for that money?
A: No sir, not that time. He was up here before the Dawes Commission though, but I don't remember when.
Q: What kind of an attempt did he make to have you enrolled, do you know? A: No sir, he just went before the commission though I reckon and asked for enrollment.
Q: Is he here now? A: My husband, No sir.
Q: What do you think he did, before whom did he go and when?
A: He went before the Dawes Commission is all I knew.
Q: When? A: I can't tell you when, sometime while the Dawes Commission was in session though.
Q: Where? A: Why, I think he went to Okmulgee. Where was the Dawes Commission, I think it was at Okmulgee. I am not certain though, there are a heap of things.
Q: What did he tell you he did there? A: Why he told me when he came back home, that what he done was no good. He said that an uncle of mine was there at the same time, his name is Nath. Berryhill, and Uncle Nath said he would put these two youngest children on. He said he would, but since that time Uncle Nath died here, I don't know where.

The records of this office examined and it does not appear therefrom that any application was made by any of the applicants herein to the commission in 1896 or under the act of June 10, 1896.

- Q: That is the only thing you knew of any attempt at an application being made, merely thinking you were enrolled by the tribal authorities and your husband making an attempt to the Commission, do you know of anything else in the way of an attempt at an application being made? That attempt you say he made, he came back and said was no good? A: Yes sir.
- Q: You never made any attempt yourself, before today did you? A: No sir.
- Q: None of your grown children ever did? A: No sir.

(The records of this office examined and it does not appear that a formal application was ever made for the enrollment of the applicant or any of her family as citizens of the Creek Nation.)

- Q: Mrs. Conelius, how does it come you were never here before this time? A: I have been here often. I have lived here.
- Q: You told us you were here up to about 1885 and during that time, how does it come you have never come before the Commission or commissioner about your rights?
- A: It is just because I thought my husband could do same as me.
- Q: But you talked of your husband being here, that must be at least 8 or 9 years ago, wasn't it? A: I don't know.
- Q: It is 6 or 7 years ago, isn't it?
- A: Yes, that might be true. The reason of not being here, I can tell you the reason for that, I was ready to come twice before and death caused me to stay at home.
- Q: Whose death? A: Lillie Short's, and a baby once before. That is the reason, I ain't been here before.
- Q: You were never here after 4 years from '84 or '85 not since that time? You never did a thing towards enrollment did you? A: No sir, ~~where~~ we lived on the farm, the man who we were working for, his name is Charley Smith, he told us we belonged to his town and he told us he would have all our names put on the roll. I think he signs his name as C. H. Smith.
- Q: Well then since about '85, you have been in Texas and never done a thing towards going before the Commission or the Commissioner until today, except the attempts mentioned?
- A: No sir, only what he done and my Uncle was up here.
- Q: How does it happen Mrs. Conelius, you have just taken a notion to come up here at this late date?
- Q: You see I received a letter, and it was in the letter, it was a printed circular from Tams Bixby stating when this here time for enrollment or filing on land would be out.
- Q: When did you get that? A: I got that about a month ago or hardly so long, I don't know.
- Q: You never got that from this office, did you?
- A: No sir, I didn't get it from this office.
- Q: Where did you get it? A: My brother Henry sent it to me.
- Q: He is enrolled as a creek is he? A: Yes sir.
- Q: Wasn't that notice signed by Mr. Bixby, wasn't that about the enrollment of minor children? Wasn't that about the rolls being closed for minor children?
- A: I thought I had a chance too.

- Q: Isn't this the notice?
(Showing witness printed circular regarding new born children) A: Yes sir.
- Q: And this is what stired you up, is it? A: I have been considering it for the last 2 or 3 years to come up, and I reckon he understood that this was to all, the reason he sent it to me to let me see when the time would expire you know. He had it done, I supposed because it was sent to him.
- Q: That is the only money you ever got, that which he sent you at that time? A: Yes, all I have drawed myself.
- Q: You didn't draw it yourself, it was sent to you, was it not?
- A: Yes, that is the only money that was sent to me individually. My father drew for himself, but he has been dead 30 years. Yes, if not longer. I am safe to say he has been dead 30 years.
- Q: This boy you call Julian, he is the only one of your children here today is he? A: Yes sir.

Julian Conelius, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Julian Conelius.
- Q: How old are you? A: 25 the 17th. of last March.
- Q: Were you ever known as J. S. Conelius? A: Yes sir, those are my initials.
- Q: What is your post-office address? A: Cushing or Saupel, Texas, but Cushing is nearest.
- Q: Are you married? A: Yes sir.
- Q: You are not living with your mother? A: No sir.
- Q: Do you live close to her? A: About a mile and a half.
- Q: What is the name of your mother? A: Julia Conelius.
- Q: This lady here, the applicant in the case? A: Yes sir.
- Q: What is the name of your father? A: Henry.
- Q: He doesn't claim any rights in any of the 5 tribes?
- A: No sir.
- Q: Do you know whether he claims to be a citizen by blood of the Creek Nation? A: I guess he do.
- Q: If he does, it is through your mother? A: Yes sir.
- Q: What is the name of your wife? A: Sarah.
- Q: Is she living? A: Yes sir.
- Q: Where is she? A: At home.
- Q: She is a state woman is she? A: Yes sir.
- Q: How many children have you had in your life-time? A: 3.
- Q: Are they all by her? A: Yes sir.
- Q: What is the name of the eldest? A: Irace.
- Q: Do you read or write? A: Yes a little.
- Q: Is she living, Irace? A: Yes sir.
- Q: When was she born? A: It was in September, 1900.
- Q: This memorandum presented by your mother says September 29, 1900. Will she be 6 years old the 29th. of this coming September? A: Yes sir.
- Q: What is the name of your next child? A: Wyatt Bertie, but he is dead.

- Q: What year was he born in? A: He was born in 1902.
Q: What month do you know? Spring, summer, autumn or fall?
A: It was winter.
Q: After christmas or before Christmas? A: Before.
Q: He is dead, isn't he? A: Yes sir, he lived three weeks.
Q: Then what is the name of your next child? A: Finis.
Q: On this list we find F. J. O.--Finis, Jr. Born February 4, 1904? Is he living? A: Yes sir.
Q: These two living children are in Texas with your wife at your home? A: Yes sir.
Q: You left there did you, just on a trip to the Indian Territory on a visit, did you not? A: We came to see if we could get our rights.
Q: You are going back are you not? A: If we get our rights we are going to move up here.

Questions by M. L. Mott, attorney for Creek Nation.

- Q: Have you a farm down there? A: No sir.
Q: Do you rent? A: Yes sir. I am not farming now, I haven't in 3 years, I have been saw-milling.
Q: Those three children of yours were all born in Texas, were they not? A: Yes sir.
Q: They have never been out of Texas, have they? A: No sir.
Q: If you don't get your land up here are you going to stay or remain in Texas? A: I want to try this country, I like it here.
Q: The only thing that brought you here this time was to see if you could get your rights established, as you call it?
A: yes sir.
Q: That was the only thing that brought you wasn't it?
A: Yes sir, that is what we came for.
Q: That was your object in coming? A: Yes sir.
Q: When did you get here? A: I don't remember what day we came.
Q: It wasn't a week ago, was it? It was less than a week ago wasn't it? A: Yes sir.

This is all the evidence that was heard in said cause.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval.

Subscribed and sworn to before
me this 14 day of August, 1906.

Edward Morris.

Notary Public.

L.K.P.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Julia Conelius, et al, as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on July 26, 1906, Julia Conelius appeared before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of herself, her son, Julian Conelius, her deceased daughter, George Annie Beard, her son, William Jefferson Jackson Conelius, her daughter, Lily L. Short, her son, Henry M. Conelius, her son, John A. Conelius, her son, Joseph G. Conelius, her daughter, Viney G. Conelius, her daughter, Winnie C. Conelius, her son, G.M. Conelius, her son, B. F. Conelius, and her grandchildren, Iris Conelius, Finis Conelius, Wyatt Bertie Conelius, Edith Short, Evy G. Short, Ida L. Beard and George Anna Beard.

It appears from the record in the possession of this office that the said Julia, Julian, William Jefferson Jackson, John A., Henry M., Joseph G., Vinnie G. and Winnie C. Conelius and George Annie Beard were in the year 1898 listed upon Creek census card number 370. Said listing is considered and treated as an application for the enrollment of the persons named as of the date of said listing.

The evidence shows that Julia Conelius is a Creek Indian of less than full-blood; that Julian Conelius is her son and was born March 17, 1881 and living July 26, 1906; that George Annie Beard was a daughter of said Julia Conelius and was born about the year 1878 or 1879 and died October 7, 1900; that William Jefferson Jackson Conelius is the son of said Julia Conelius, was born March 3, 1883 and living July 26, 1906; that Lily L. Short is the daughter of the said Julia Conelius, was born June 9, 1886 and living July 26, 1906; that Henry M. Conelius is the son of the said Julia Conelius and was born July 1, 1887 and living July 26, 1906; that John A. Conelius is the son of the said Julia Conelius, was born March 25, 1889 and living July 26, 1906; that Joseph G. Conelius is the son of the said Julia Conelius, was born November 18, 1891 and living July 26, 1906; that Viney G. Conelius is the daughter of the said Julia Conelius, was born November 26, 1893 and living July 26, 1906; that Minnie C. Conelius is the daughter of the said Julia Conelius, was born October 12, 1895 and living July 26, 1906; that G. M. Conelius is the son of the said Julia Conelius, was born September 6, 1898 and living July 26, 1906; that B. F. Conelius is the son of the said Julia Conelius, was born February 15, 1901 and living July 26, 1906; that the father of all of the said children of Julia Conelius is Henry Conelius, a non-citizen. That Iris and Finis Conelius are both daughters of the said Julian Conelius, were born September 29, 1900 and January 11, 1904, respectively, and

living July 26, 1906; that Wyatt Bertie Conelius was the son of Julian Conelius, was born in December, 1902, and lived only about three weeks; that the mother of the said children of Julian Conelius is a non-citizen. That Edith Short was a daughter of Lily L. Short, was born in the spring of 1904 and died in October, 1905; that Evy G. Short is the daughter of Lily L. Short, was born July 25, 1905 and was living July 26, 1906; that the father of the said children of Lily L. Short is a non-citizen. That Ida L. Beard and George Anna Beard are daughters of George Annie Beard, were born March 19, 1899 and September 27, 1900, respectively, and were living on July 26, 1906, and that the father of said children of the said George Annie Beard is a non-citizen.

The evidence further shows that the principal applicant, Julia Conelius, was born in Texas and removed to the Creek Nation with her husband and those of her children who were then living about the year 1881, but went back to Texas in December 1885 taking with her all of said children, where she and they have since resided, and that none of the other applicants named in said application have ever resided within the Creek Nation or the Indian Territory.

The applicants, Julia Conelius, George Annie Beard, Julian Conelius, William Jefferson Jackson Conelius, Lily L. Short, Henry W. Conelius and John A. Conelius are identified upon the authenticated 1890 roll of the Creek Nation, page 224, Broken Arrow town, as J. C. Carnelious, Annie Carnelious, Juline Carnelious, Jack, Lillie, Henry and John respectively. The names of none of the applicants herein can be found upon the 1895 pay roll of said Nation or upon the 1895 doubtful roll.

The evidence further shows that none of the applicants herein have returned to the Indian Territory or were residing therein prior to June 28, 1898. Of all of the applicants, Julia and Julian Conelius are the only ones who have ever returned to the Indian Territory, and while Julia Conelius claimed, at the time of the hearing herein, that she had, in good faith, removed to the Creek Nation, the evidence of herself and Julian taken together, shows that she had not, in good faith, removed to said Nation, but that she and Julian, her son, had merely arrived therein on the day prior to the hearing had herein for the purpose of, seeing if they could obtain for themselves, and the other applicants, rights in the Creek Nation.

Inasmuch as there are several reasons why the applications of all of the applicants herein must be refused, and in some cases those reasons differ, they will be briefly stated as follows:

As to all of the applicants, except Julia, Julian, William Jefferson Jackson, Henry M., John A., Joseph G., Viney G. and Minnie C. Conelius and George Annie Beard, it does not appear that any application for their enrollment was made within the time prescribed by existing laws governing the enrollment of Creek citizens, and this office, therefore, would in no event have any jurisdiction to consider the application made on July 26, 1906, on behalf of said applicants.

None of the applicants would be in any case entitled to enrollment because all who were then living were non-residents of the Creek Nation and Indian Territory, on June 28, 1898, and none of them have ever, since that time, removed, in good faith, to the Creek Nation.

Besides the reasons already given, Wyatt Bertie Conelius would in no event be entitled to enrollment as there is and never was any law providing for the enrollment of children who were born and died on the dates of his birth and death respectively.

It is, therefore, ordered and adjudged that there is no

authority of law for the enrollment of Julia Conelius, Julian Conelius, George Annie Beard, William Jefferson Jackson Conelius, Henry M. Conelius, John A. Conelius, Joseph A. Conelius, Vinay C. Conelius, and Minnie C. Conelius as citizens by blood of the Creek Nation, and the application for their enrollment as such is accordingly denied; and that this office has no jurisdiction to receive or consider the applications of Lily L. Short, G. M. Conelius, B. P. Conelius, Iris Conelius, Minnie Conelius, Wyatt Bertie Conelius, Edith Short, Ery C. Short, Ida L. Beard and George Anna Beard to be enrolled as citizens by blood of the Creek Nation, and said applications be, and the same are, hereby dismissed.



Commissioner.

Muskogee, Indian Territory;

JAN 27 1907

u u
Sacul Texas.

June the 17. 1906

Mr. Johnny Smith,
Dear Brother.

I will write you a few lines concerning our rights out there I want you to go to see the authority and lay our case before him just as it is tell them that we have Bin enrolled and have Drawed money and I want to know if I will Be knocked out Bye not Living there I have heard that & there have Bin Beut out of there rights Bye not Being there I want you to go at once to see them and let me know and if I can do any good Bye coming I will come at once and if I have Lost out Bye not Being there I want to know so I will know what to Depend on tell them that I was Living there 4 years and Tell me where I must come to if I come and please send to this at once and let me know what I must do I will Close hoping to hear from you Bye return Male.

yours Very Truly

J. B. Cornelius.

in haste

Direct to Sacul

Cr.En.1060

JWH

Muskogee, Indian Territory, March 11, 1907.

Julia Conelius,

Saul, Macgloches County, Texas.

Dear Madam :--

You are hereby advised that under date of March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dismissing the application for the enrollment of Lily L. Short, G. M., N. P., Iris, Finis, Wyatt Bertie Conelius, Edith Short, Ery G. Short, Ida L. and George Anna Beard, and denying the application for the enrollment of yourself, Julian Conelius, George Annie Beard, William Jefferson Jackson, Henry M., John A., Joseph G., Vinay G. and Minnie C. Conelius, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr.Mn.1000.

Muskogee, Indian Territory, January 26, 1907.

Julia Conelius,

Sacul, Macogdoches Couty, Texas.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and children, as citizens by blood of the Creek Nation, dismissing the application for the enrollment of Lily L. Short, G.M., B.F., Iris, Finis, Wyatt Bertie Conelius, Edith Short, Ery G. Short, Ida L. and George Anna Beard, and denying the application for the enrollment of yourself, Julian Conelius, George Annie Beard, William Jefferson Jackson, Henry M., John A., Joseph G., Vinay G. and Minnie C. Conelius.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-93.

Gr. An. 1060.

Muskogee, Indian Territory, January 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Julia Conelius, et al., as citizens by blood of the Creek Nation, including the decision of the Commissioner, denying said application.

Respectfully,



Commissioner.

IM-476.

Through the Commissioner
of Indian Affairs.

Cr. 101-100.

Muskogee, Indian Territory, January 28, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Julia Cornelius et al., as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-456.

Refer in reply to the following:
Land 10043-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated January 28, 1907, transmitting the record relative to the application of Julia Cornelius et al, for enrollment as citizens by blood of the Creek Nation.

On July 26, 1906, application was made to the Commissioner for the enrollment of Julia Cornelius and her children, William J.J., Henry M., John A., Joseph G., Viney (or Vinnie) G., Minnie C., G. M. and B. F. Conelius, George Annie Beard and Lily L. Short and her grandchildren, Iris, Finis and Wyatt B. Conelius, Edith and Evy G. Short, Ida L. and George Anna Beard as citizens by blood. On January 28, 1907, the Commissioner held that the applicants were not entitled to enrollment.

The decision of the Commissioner adverse to the applicants has been examined and found to be correct and the same is recommended for approval.

Very respectfully,

HRD-ALK.

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
O.K.

LRS I.T.D.

5706, 5722, 5792, 5794-1907.
5814, 5816, 5828, 5830-1907.
5832, 5836, 5840, 5856-1907.
5862, 5866, 5872, 5874-1907.
5882, 5884, 5966-1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.

Date of your
Letter of Transmittal.

Easter Walker,	January 11, 1907.
Julia Cornelius, et al.	January 26, 1907.
Paul Bowers,	February 11, 1907.
Moses Vaughan (Freedman),	February 11, 1907.
Charles Clark,	February 9, 1907.
Johny Carville (Freedman),	February 9, 1907.
Jack and Alice Bell (Freedmen),	February 9, 1907.
Yar-mah-les, et al. (deceased),	February 9, 1907.
Mary Burl (Freedman),	February 11, 1907.
Annie McClelland and Mitchell Cox,	February 9, 1907.
Alvin Smith (deceased) (Freedman),	February 9, 1907.
Isaac and Ethel Grayson (Freedmen),	February 9, 1907.
William B. Self et al.	February 11, 1907.
Annie Morgan (Freedman),	February 9, 1907.
Bennie Griffin (Freedman),	February 11, 1907.
Mose James (Freedman),	February 9, 1907.
Dan Campbell (Freedman),	January 26, 1907.
Josie Wofford,	February 9, 1907.
Daniel Gray, deceased,	February 11, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse R. Wilson,

Assistant Secretary.

19 inc. and 38 inc.
for Ind. Of.

ARH
5-2-07.

CR EN 1061

CR EN 1061

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY.
AUGUST 9, 1906

In the matter of the application for the enrollment of
Katie Smith, nee Alexander, deceased, as a citizen of
the Creek Nation.

APPEARANCES: O. T. Gilbertson, attorney for applicant.
The office of M. L. Nett was attempted to be
communicated with in order to reach J. G. Lieber,
attorney, representing M. L. Nett, but it was
impossible to reach him.

William Alexander being first duly sworn testified as
follows:

- Q: What is your name? A: William Alexander.
Q: How old are you? A: I am 50 some odd years old.
Q: What is your post-office address? A: Weleetka.
Q: Are you a citizen of the Creek Nation? A: No sir.
Q: What are you? A: A Chickasaw.
Q: You are a Chickasaw Freedman are you? A: Yes sir.
Q: You don't claim to have any rights in the Creek Nation,
yourself, do you? A: No sir.
Q: Why do you come here today? A To enroll this girl as a
citizen.
Q: You came to see about the enrollment of Katie Smith or
Katie Alexander, did you? A: Yes sir.
Q: Who is she, your daughter? A: Yes sir, my daughter.
Q: What is her correct name, Kate or Katie? A: Katie is her
correct name.
Q: In letters we have here it is referred to as Katie and in
some sort of a paper, or instrument that we have here, she
is referred to as Kate, now which is correct?
A: Katie is correct but most of them call her Kate.
Q: Which is the correct name? A: Katie.

(Witness presents letter from this office to J. R. Dixon
dated June 30, 1906 in answer to a letter of June 21, 1906;
letter from this office to William Alexander dated September
1, 1904, returning what purports to be an application for
the enrollment of Kate Alexander as a citizen of the Creek
Nation). The pencil reference on the back of said paper
which is herewith presented contains the name enclosure
marked D.C. -1-1/2, which appears on the bottom of
said letter dated September 1, 1904. "

Q: What is the name of the mother of this child of yours?
A: Rose Alexander is her name.
Q: Are you married to her? A: Yes sir.
Q: How long have you been married to her? A: Why I was married to her and we stayed together about 31 years.
Q: You were married about 31 years ago?
A: Yes sir.
Q: Is Rose living? A: No sir, she is dead.
Q: Did she die about 13 years ago, somewhere along there?
A: No sir, I don't think that long, about 12 years I reckon.
Q: How do you know it was 12 years? A: It was somewhere in that neighborhood, it was 12 or 13 years.
Q: How do you figure it, what makes you say about 12 or 13 years? A: It was somewhere in that neighborhood, of course my recollection is very short.
Q: Can't you remember years at all? You know how much is a year, don't you? You know how much time it takes to make a year don't you? A: Yes sir.
Q: 12 months is it? A: Yes sir.
Q: Well count back a year and tell us as close as you can how long she has been dead? A: It is somewhere in the neighborhood of 12 years.
Q: That your wife Rose has been dead? A: Yes sir.
Q: What was her name before you married her? A: Rose Stittum.
Q: Where have you been living lately, in the Creek Nation?
A: Yes sir.
Q: How long have you lived in the Creek Nation? A: Been living here now about 14 years.
Q: When did you come to the Creek Nation? A: I don't know what date of the year it was.
Q: Don't you know the year even? A: I don't know the date.
Q: Do you know the year in which you came to the Creek Nation?
A: No sir, not really.
Q: Not really? A: No sir.
Q: Can't you come within 2, 3, or 5 years of it, can't you tell me whether it was 1890, 1891 or anything like that?
A: No sir.
Q: You don't know enough about years to tell whether it was 1891 or 1901? A: No sir.
Q: Don't know the difference between these years?
A: No sir, I never kept that much count of it.
Q: Do you know what year this is? A: No sir.
Q: Don't know what year this is? A: No sir.
Q: (Now you are under oath, I want to caution you right now that when you swear, hold up your hand and are sworn to tell the truth, that is a serious matter, and if you wilfully represent or falsify under oath, you can be put in jail. I will tell you that now, for it is so unusual for a man to have that ignorance, that he don't know what year this is.)
Q: Don't you know what year this is? A: No sir, I didn't keep that in remembrance, what dates and years, is, I will be honest with you about that.
Q: How old are you? A: I am 50 some odd years I guess I have been here since before the war.
Q: But your best recollection is that you came to the Creek Nation about 18 years ago?
A: Somewhere in that neighborhood.

- Q: And been here ever since? A: Yes sir.
- Q: Your best recollection is that this woman of yours, Rose Alexander nee Stitum died near 13 years ago? A: Yes, somewhere in that neighborhood.
- Q: How long had you been in the Creek Nation before she died? About how long? A: I don't know exactly about how long we had been here but we had been here a good little bit, a good while.
- Q: Well was it 2 years; you said you came here about 15 years ago and she died 12 or 13 years ago, was it 2 or 3 years after you got here that she died?
- A: Well now I couldn't just exactly say, I don't want to tell you any lie on this thing.
- Q: You just sit down and think and try to refresh your memory a little bit? A: I just disremember, but I had been here a good little bit.
- Q: Rose never was enrolled as a creek was she? A: Yes sir.
- Q: She never was enrolled by the Dawes Commission and never selected any land or was put on the final roll by the Commission was she? A: She drew the \$29.
- Q: I am not talking about the Indian roll, I am talking about the Dawes Commission roll. A: No sir.
- Q: Are you enrolled as a Chickasaw Freedman? A: Yes sir.
- Q: And got your deed and land? A: I didn't get a deed but I got the land.
- Q: You can't get the land before you get a deed, you can squat on it? A: I got the land but I ain't got a deed.
- Q: No such thing happened like that with your wife Rose?
- A: No sir.
- Q: She didn't get that far? A: No sir, she never was enrolled on the Dawes Commission roll? A: No sir.
- Q: The reason of that is because she is dead? A: Yes sir.
- Q: Because she died before the enrollment began? A: Yes sir.
- Q: You say she drew money? A: Yes sir.
- Q: From the Creek Nation? A: Yes sir.
- Q: What money did she draw? A: She got the \$29 payment and she got the last payment.
- Q: Do you know what years those payments were made? A: No sir.
- Q: Under what name did she get them? A: Under the name of Rose Alexander.
- Q: In what creek indian town did she draw that money do you know? A: Arkansas.
- Q: Arkansas what? A: In Arkansas town I believe, I think that is the way it was.
- Q: What makes you think she drew any money at all? Where do you get your impression from that she drew money from the Creek Nation? A: I suppose because they gave her a right to it.
- Q: Did you see her draw it? A: Yes sir.
- Q: Where was it? A: Okmulgee.
- Q: Did you move to the Creek Nation at that time yourself? A: Yes sir.
- Q: At that time you had already moved to the Creek Nation?
- A: Yes, I think I spoke too quick, just let me study a little longer. No sir, I didn't move to the Creek Nation at that time.
- Q: How did you come to be here then? A: Why the notification was sent out to her, to Rose Alexander, and well I saw the notification. I will tell you how they got on to it, there was a man by the name, a good many called him Pilot Dick Harred, he was acting as the town king for the people there we were living up there, and he was the man that carried the message to her.

- Q: Where did he carry it to her? A: To a place there in the Chickasaw Nation, just about 5 miles above the place called Johnsonville.
- Q: In the Chickasaw Nation? A: Yes sir.
- Q: How long had you been there at the time you got that message?
- A: We had been there before we got that message, I had been there all my days I was bred and born there.
- Q: Did you marry her there? A: Yes sir.
- Q: Then you came here to draw that first money? A: Yes sir.
- Q: Did you stay here at that time in the Creek Nation?
- A: No sir I came and went back and moved afterwards.
- Q: Did she go back with you to the Chickasaw Nation? A: Yes sir.
- Q: How long was it before you moved back? A: I don't know sir, just exactly how long it was.
- Q: Was she here when the second payment was made? A: Yes sir.
- Q: Were you living here then? A: Yes, we were living here then.
- Q: If this Kate has any rights at all, in the Creek Nation it would come from the mother and not from you? A: Yes sir, it would come from the mother.
- Q: Did you ever try to have her enrolled as a Chickasaw freedman? A: No sir.
- Q: You are trying to have her enrolled now as a Creek Freedman are you? A: Yes sir.
- Q: Was her name on any other roll than these two pay rolls?
- A: On the Dunn Roll.
- Q: How was she enrolled there? A: Rose Stitup.
- Q: You say on the pay roll it was Rose Alexander, because she was your wife at that time? A: Yes sir.
- Q: Did you see it on the roll? A: No sir.
- Q: You can't read or write? A: No sir.
- Q: How what makes you think her name is on the Dunn Roll.
- A: Why her brother told me it was on the Dunn Roll.
- Q: That is all the knowledge you have of it, is it that her brother told you so, is it? A: Yes sir.
- Q: You claim to have moved back here to the Creek Nation with her, you don't know exactly, but you think it was about 15 years ago and you state that you know that you had moved back with her at the time of the second payment? A: Yes, we were here before the second payment.
- Q: Well how long after that before she died?
- A: After the second payment?
- Q: Yes.
- A: I don't know exactly but it wasn't a great while after the payment before she died, Mister.
- Q: Was it a year after the payment that she died? A: Well sir, I couldn't tell you.
- Q: Where did she die? A: In the Creek Nation, across the Canadian.
- Q: At whose house? A: My house.
- Q: Do any people live near there? A: Yes sir.
- Q: Can you tell me the names of any people who are living now who were present when she died? A: Yes, there was a woman by the name of Katie Williams.
- Q: Do you know what her post-office is? A: No sir.
- Q: Is there anybody that can tell us her post-office?
- A: I don't know whether it is Wewoka or Wetumka.
- Q: Is she any kin to you or Rose? A: No sir, she is no kin to us at all.
- Q: Did you have a Doctor when Rose died?
- A: Yes sir, his name was Gillam.

- Q: What is his post-office? A: I couldn't tell you for he left the country.
- Q: Did you have an undertaker to bury her? A: I don't understand you.
- Q: Oh well, when people die somebody has to put them in the ground, bury them. What was the name of the undertaker?
- A: I couldn't tell you, most anybody buried them along in those times.
- Q: You didn't have an undertaker then? A: No sir.
- Q: Do you know who made the coffin or dug the grave?
- A: I disremember who did make that coffin, but I can find out by going back there.
- Q: Do you know where she is buried? A: Yes sir.
- Q: Is it in a grave yard? A: Yes sir.
- Q: Has the graveyard a name? A: No sir, it was in Tom Alexander's place.
- Q: Was there any head-board or foot-board to the grave?
- A: Yes sir, there was a board there.
- Q: Do you know whether it is on there now? A: No sir.
- Q: I will ask you this question again. I asked you-- You don't know just when she died and you said it was shortly after she drew the \$25 payment? A: Yes sir.
- Q: You can't tell if it was one or two years afterwards?
- A: No sir.
- Q: You knew it wasn't 5 or 10 years afterwards? A: No sir.
- Q: Well was it 2 years? A: I couldn't say whether it was two or one year.
- Q: You couldn't say whether it was a year or two? A: No sir.
- Q: Was it as much as 3 years? A: No sir, it wasn't that long I don't believe it was.
- Q: Well now please have a little consideration and don't try to fix or say dates like a piece of rubber and try to remember you are under oath and it is just as bad to say you don't know as to say something positive that is not true. First you say it was a year and then you stretch it to say he it was one or two and when I ask you if it was three, you say no sir, it wasn't three, I don't think. Please don't put on these thinks, we are trying to get it down to a certain time.
- How long after that payment before she died? As near as you can come at it without putting on thinks, and stretching it? A: I just can't get at it.
- Q: But you know it wasn't as much as 5 or 10 years don't you?
- A: No sir, it wasn't that long.
- Q: You think it was about a year or two don't you? How at
- A: I suppose it was, about in that neighborhood.
- Q: that time that Rose-----
- Q: If you want to answer the other question just go ahead.
- Q: If I am not mistaken I have got the death of her down, I didn't put it down, a sister of mine put it down on her bible, since I come to study about it.
- Q: What is that sister's name? A: Her name is Laura Alexander
- Q: Is she a Creek? A: Yes sir.
- Q: Enrolled here and got her land? A: Yes sir.
- Q: Enrolled under the name of Laura Alexander? A: Yes sir. I suppose she is enrolled under that name, she has been married but I forget her husband's initials.
- Q: Do you know what her married name is? Laura what?
- A: I forget that.
- Q: You said Initials, that don't mean name?

- Q: You say she put it in the bible? A: Yes sir.
- Q: Can you read? A: No sir.
- Q: But if you seen it you could tell whether it was written with a pen or pencil? A: Yes, I know the difference.
- Q: You don't know whether it was written in pen or pencil? A: No sir, I didn't see.
- Q: What makes you think it is written in the bible? A: She said she would put it in the bible.
- Q: When did she tell you, at the time of the death of the woman? A: Yes sir.
- Q: Was she living with you? A: No sir, she was living with her father.
- Q: Was she present when your wife died? A: Yes sir.
- Q: What is her post-office address? A: Wetumka.
- Q: She isn't here today is she? A: No sir, she is not here today.
- Q: You don't remember what her name is now? A: No sir.
- Q: Well now at the time your wife died was this child Kate living? A: Yes sir.
- Q: How old was she at that time? A: I don't know exactly, I have got her age down.
- Q: In that same bible? A: No sir, it is a different bible.
- Q: Who wrote it down? A: A man by the name of Thomas. Henry Thomas.
- Q: What did he write it in; how has he got it written down? A: He has got it written down in the Chickasaw nation.
- Q: Did he write it down in the bible or on a piece of paper or what? A: It was in an old bible.
- Q: How do you know? A: I only go by what they tell me.
- Q: Did you see it? A: Yes sir.
- Q: Did you see the writing? A: Yes sir.
- Q: What did it say; what does the writing say? A: I don't know, I don't read any.
- Q: Never had it read to you? Didn't he ever read it to you? A: Yes, he read it to me.
- Q: What did he read? A: He read that that was her age, that he was putting down.
- Q: He put that down while you were living in the Chickasaw Nation? A: Yes sir.
- Q: About how big a girl was Kate when your wife died? A: She was grown.
- Q: Grown? A: Yes sir.
- Q: Well can you tell about how many years old she was? A: No sir.
- Q: You couldn't tell? A: No sir.
- Q: Do you know any body who could tell; any witness we could get? A: No sir, I don't know of anybody right around here.
- Q: Where was she born? A: In the Chickasaw nation.
- Q: This man Henry didn't write that down right away when she was born, did he? A: No sir.
- Q: But he wrote it down before you came up here? A: Yes sir.
- Q: What is his post-office address? A: Johnso nville.
- Q: In the Chickasaw nation? A: Yes sir.
- Q: He wouldn't have the date of her death then, would he? A: No sir, he wasn't here when she died.
- Q: How long after the death of Rose before Katie died? You say that Katie was living when Rose died, how long after that was it that she died herself? A: I don't know sir, how long it was between the death of the two.

- Q: Was it long? A: Yes it was a good while.
- Q: What do you mean by that? A: A good while betwixt the death, that is what I mean.
- Q: Do you mean a good many days or months, or what?
- A: It must have been years.
- Q: How many years? A: I don't know sir, exactly how many year about.
- Q: Was it one? A: It must have been in the neighborhood of about 3 years apart, I guess.
- Q: Three years apart? A: Yes sir. It may be longer than that I wouldn't be positive.
- Q: Do you know it was as much as 3 years? A: I won't say positively that it was. It was somewhere in that neighborhood, it may have been a little over one.
- Q: There is a limit, as I have told you to uncertainty of dates, it seems to me like you have exceeded it, you go on and say it was 3 years or more and now I ask you if it was as much as 3 years and you won't be positive and you are the father of the child; you claim to be, and you claim you saw her age put down in the bible, and you can't come within 5 years of that. That you are not positive it was 3 years or more and you are not positive it was as much as three.
- A: My recollection, I will tell you now, Judge, is very short.
- Q: Yes, I see that. But I have told you there is a limit to that for you to indulge in some of these matters as you do. But with your recollection you are certain that Rose died first are you? A: Yes sir.
- Q: Was there anything written down about the death of Katie, that you know of? A: No sir, not as I know of.
- Q: Never heard that anyone wrote down the date of her death?
- A: No sir.
- Q: When did she die? A: She died along in June, but what date of the year, I don't know.
- Q: Don't know what year? A: No sir.
- Q: How does it come you can remember June? A: I remember it was in June because it was along in the summer season.
- Q: Do you know what month this is? A: Yes, I believe it is August.
- Q: What month was last month? The month before this one?
- A: July.
- Q: What was the month before that one? A: June.
- Q: What was the month before that? A: May.
- Q: Now you know every month in the year, don't you? A: Yes sir.
- Q: You don't know even what year this is? A: No sir.
- Q: How does it come you know all the months and don't know even the year? A: Well I will tell you, it is just like this-- the truth is what you want--
- Q: There is no use to repeat that, I have explained that to you.
- A: To keep the dates of the year or months, it is something I don't know. I can keep the months all right.
- Q: How does it come you don't know the year and know the months, can you explain that? A: I suppose it is because I can't read.
- Q: Isn't it a fact somebody told you, you have got to say that this child died in June? A: No sir.
- Q: Nobody ever told you you had to say it died in June?
- A: No sir.

- Q: Did anybody tell you she died in June? A: No sir.
- Q: Your answer then, that she died in June comes from your own knowledge does it? A: Yes sir.
- Q: Did anybody ever tell you, you had to say this child died in June? A: No sir.
- Q: Have you been coached to say June? A: No sir.
- Q: Did anybody ever tell you, have you ever been accosted by anyone to say that this child died in June?
- A: Yes, I heard them talking about that, that she died in June but I know she died in June, they didn't tell me that she died in June.
- Q: But you don't know if it died in 1492, or 1776 or 1910 or anything like that? A: Yes sir, that is right, I don't know the dates of the year, I am honest on that, that is something I didn't follow keeping up.
- Q: You couldn't tell whether it was 1492 or not that the child died, could you? A: No sir.
- Q: The only thing that you can say is that it died in June?
- A: Yes sir.
- Q: Can you tell what month it was born in? A: No sir, I can't.
- Q: You can't tell that? A: No sir.
- Q: How does it come that the only thing you know is months?
- A: It has been so long it slipped my remembrance.
- Q: The other has been a pretty good while ago, the death hasn't it? A: Yes that has been a pretty good while but that is not quite as long as the birthday.
- Q: How long has it been since she died? A: Well it is about-
- I don't know sir, it is about 6 or 7 years ago.
- Q: Could it have been 10 years ago? A: No sir, it ain't been that long.
- Q: Could it have been 9 years ago? A: No sir, it ain't been that long.
- Q: Could it have been 8 years ago? A: No sir, I don't reckon it is.
- Q: When asked about the difference between the date of death of your wife Rose and child Katie, you slipped around it and couldn't tell within 8 years of it, now when I ask you when she died, you have come down to a period of pretty near a year, isn't it a fact that somebody told you you should not make it more than 6 or 7 years ago?
- A: No sir.
- Q: How is it you can state positively it was 6 or 7 years ago and that it could not have been 9 years ago, explain that to me? Can you explain it? A: No sir, I can't.
- Q: Can you write? A: No sir.
- Q: Whenever you are called upon to sign an affidavit, you have to do it by mark, touching the pen? A: Yes sir.
- Q: Did you touch the pen to this paper? A: Yes sir.
- Q: Who witnessed it do you remember? You had to have two witnesses to your mark, didn't you? A: I forget who was present.
- Q: Where was this made, this piece of paper?
- A: It was made at Welectka.
- Q: Do you know the name of the Notary Public? A: Mr. Martin.
- Q: It is O. A. Martin here, is that right. The witnesses are W. B. Key and H. B. Kettles, do you remember them now? You recognise that you signed that paper by mark? A: Yes sir.

- Q: Did you read this? A: No sir.
- Q: Was it read to you before you signed it? A: Yes sir.
- Q: Did you understand what they were reading? A: Yes, I thought I did.
- Q: You signed it and swore to it, did you? A: Yes sir.
- Q: Did you know at that time anything more about years than you do now? A: No sir.
- Q: You couldn't at that time have told whether this child died in 1492 or 1776 could you? A: No sir.
- Q: That was read to you and you understood it? A: Yes sir.
- Q: At that time you swore positively that this child died in the month of June 1899? How do you account for that? You didn't know that fact at that time, did you?
- A: No sir, I didn't know the year.
- Q: You swore something you didn't know, if that is in here, if this affidavit states that Katie Alexander died in the month of June 1899, you have sworn to something you didn't know to be a fact, didn't you? A: No sir, when she died of course I didn't know the date of the year, I am honest on that, but she died right after the opening up of the office.
- Q: That is not the question at all--- you are getting off the question, that does not answer my question at all-- when you signed this affidavit by mark that says she died in June 1899, you swore to something you don't know to be a fact, isn't that true? A: Yes, it must be undoubtedly.
- Q: How long had your child been dead at the time you went to Weleetka before Martin to make this affidavit? A: Well I don't know, sir, how long it was.
- Q: Well about how long had it been dead at that time?
- A: I couldn't tell you, Judge.
- Q: That is a shorter time than if I would ask you how long has she been dead now, and you can tell that and you went there for the purpose of getting his child enrolled, you went and made this paper out to get that child enrolled and you can't tell how long she had been dead then and can tell how long she has been dead now, how does that come? (No answer)
- Q: I will ask you once more now, not with any purpose of intimidating or confusing you, but to get at the truth in this matter and only the truth, isn't it a fact that the reason that you know better than other dates, this thing about its being in June and this thing about 7 or 8 years since she died, and that you tried to interpolate, and that it was about 3 years after your wife died, isn't it a fact that you were told you had to say that by somebody? A: No sir, I am honest on that.
- Q: How does it come that you can give these three things better than anything else?
- A: No sir, nobody has not taught me that.
- Q: This affidavit is practically not your affidavit is it? Do you understand this affidavit you signed by mark?
- A: Why, I thought I did.
- Q: I will read it to you again.

Affidavit read by Commissioner, to witness.

- Q: According to your remembrance is that about the way it was read to you? A: Yes sir.
- Q: Then referring back to the part saying she died during the month of June 1899, you under oath signed by mark, and you swore to something you didn't know whether it was true or not, didn't you? A: There is one place there I can't understand, that is the date of the year.
- Q: You already have stated at the time you made this affidavit that you didn't know whether it was born in 1492 which is 497 years before this date you have got in here or not. That is what you swore, you don't know whether it was 1492 or in what year it was? that you don't know any year one from another. Still you state in this affidavit that the child died in June 1899---they can't help you tell the date, you don't need to look at those gentlemen. You swore to something you didn't know, didn't you? That is a plain question. Why don't you answer that.
- A: You have got me so I can't answer.
- Q: You say at the time the last payment was made you were living in the Creek nation? A: Yes sir.
- Q: Where were you living at that time? A: On the North Canadian.
- Q: Can you give us a better description so that we can find it was it near any town? A: Right at that time Wewoka was the nearest town but since that it was named Beardem.
- Q: Well did she die there then? A: In that settlement, yes sir. You are speaking about my wife?
- Q: Yes. How long did you live there after that?
- A: Me?
- Q: Yes. A: After she died I didn't stay there more than a week, and I broke up there and been travelling around.
- Q: I stayed a while with my brother.
- Q: What is his name? A: My brother Charles Alexander.
- Q: You stayed a while with him, where did he live?
- A: Right there in the settlement.
- Q: Is his post-office wetuka or Weleetka? A: It is Beardem.
- Q: How long did you stay with him? A: About a month and then after that I travelled around.
- Q: Did you have the child Katie when you were with him?
- A: No sir, she wasn't with me. She was with me until her mother died and a day or two afterwards she got everything straightened up and moved across the Arkansas.
- Q: On whose place? A: To Jim Samuels, her uncle.
- Q: Did she die at his house? A: No sir.
- Q: Where did she go from Jim Samuels place?
- A: Why she went from Jim Samuels, she married a man by the name of Smith, Andy Smith and she moved on his place with him.
- Q: Is Andy Smith living? A: Yes sir.
- Q: Where is his post-office? A: Clarksville I believe.
- Q: Do you know Andy Smith's father's name; do you know any of his folks so we could identify them? A: No sir.
- Q: Is he in Clarksville? A: No sir, he is in Muskogee now.
- Q: He is here as a witness is he? A: Yes sir.
- Q: You say he was married to your daughter do you? A: Yes sir.
- Q: Then your daughter's name was not Katie Alexander when she died but Katie Smith? A: Yes sir.

- Q: So then the application for enrollment is for Katie Smith and not Katie Alexander? A: Yes sir.
- Q: How long did she live with Smith? A: I don't know sir how long they was together, somewhere about 3 years I think.
- Q: Did she live with him until she died?
- A: Yes she was living with him when she died.
- Q: Were you present when Katie died?
- A: Yes, right there in the house.
- Q: Do you know whether she had a doctor when she died?
- A: Yes they had an old lady tending to her.
- Q: What was her name? A: Her name was Nellie Prince.
- Q: She was an old lady I expect she was about 100 years old.
- Q: What is her post-office? A: I think it was Red Bird.
- Q: She didn't have any regular position as doctor?
- A: I don't know of any.
- Q: Do you know if they had an undertaker to put her in the ground to bury her? You say you were right there,
- A: Yes I was right there.
- Q: Did they or did they not have an undertaker.
- A: An undertaker is a man whose business it is to bury people to furnish coffins and I suppose he would bury them even if you had your own coffin. A: Yes we had people to dig the grave and put them away.
- Q: Do you know the name of the undertaker who buried her?
- A: No sir.
- Q: Do you know who made the coffin or whether it was bought?
- A: I think he bought the coffin.
- Q: Do you know where? Was it at Clarksville? A: I couldn't tell you.
- Q: Didn't you say he lived near there? A: Yes he lived near Clarksville.
- Q: Do you know whether they had a preacher at the time of the death or funeral, do you know who conducted the services?
- A: No sir, I don't believe there was any preaching there.
- Q: Were there many people who went to the funeral?
- A: Yes a good many were there.
- Q: Name some of them? A: Clauder Rice, Nellie Smith.
- Q: Where does the first one Clauder Rice live? A: Clarksville.
- Q: Does Nellie Smith live at Clarksville? A: Yes sir.
- Q: Did she belong to the church do you know? A: Who is that?
- Q: Katie? A: Yes sir.
- Q: Do you know whether there was any record made in the Church record out there? A: No sir, I don't know.
- Q: Do you know whether there was any head-board or feet board on the grave? A: No sir.
- Q: Do you know the name of the graveyard in Clarksville?
- A: No sir, the graveyard was on Jim Samuels land, it never had any name at all that I know of, it was just an old graveyard.
- Q: You say you filed on your land in the Chickasaw nation, you say you didn't get your deed but you filed on it? Where is that land, do you know the township, section and range? A: No sir, I don't.
- Q: Where did you go to file on it, did you come up to Muskogee or where? A: I went to Fishomingo.
- Q: When? A: I don't know sir how long it has been I am honest on it, I didn't keep any tract of the time.
- Q: Don't know whether it was this year or last year or the year before that? A: It wasn't this year or last year.

- Q: Was it three years ago? A: I don't know sir.
- Q: Was it 4 years ago? A: I couldn't tell you just how long it has been.
- Q: Was it 5 years ago? A: I couldn't tell you that.
- Q: Couldn't tell whether it was 5 years ago? You went to Tishomingo to the land office did you? A: Yes sir.
- Q: Was it 6 years ago? A: I don't know sir. I don't suppose it was that long.
- Q: How long had your daughter Kate been dead when you went to file at Tishomingo at that time? A: I don't know sir.
- Q: Don't know? A: No sir.
- Q: Is there any fact, any event, and circumstance, or anything that happened either 6 years ago or in the last 20 years that that would help you to come closer to the date of her death to give us a better idea of when she died, is there anything that happened? A: No sir, if I can get hold of that--what you may call it-- No that ain't it, that is her age.
- Q: Is there anything that happened, any particular thing that would help you fix the date of death of your own child Katie? A: No sir, I can't remember anything that occurred anywhere at all that would help that any.
- Q: Why did you start to tell me a minute ago, without being asked, that she died after the filing, why did you do that then, if that is a fact? A: Oh I forgot that.
- Q: Now what have you got to say?
- A: You have got me tied up so, I don't know.
- Q: It hasn't been our purpose to tie you up, the record will show we are trying to help you fix the date and trying to explain to you and we are trying to understand how a man of your ignorance that don't know years and don't know whether it is 1892 or anything about years, that a man of your ignorance can tell us only three things with certainty and these look like you have been instructed in them. I asked you a minute ago if there was any circumstances to refresh your memory, I made it as plain english as I could and you said No sir there wasn't anything ever occurred you even used a big word "occurred" that would help you fix it?
- A: I was thinking of something that happened seriously, of course I forgot what I started to tell you about the land office.
- Q: Why did you start to tell that when you wasn't asked and now when you are asked you say nothing ever happened?
- A: Yes, that is so.
- Q: Isn't it a fact you have been instructed on these points and isn't it because you have been told it was 6 or 7 years ago, and you have been told it was 1899, and that you must put in this about the land office, isn't that the fact whether you thought you had to put in about the land office or not? A: No sir, nobody told me about that at all.
- Q: How can you do that then? How does it come you can't do it when asked a plain question and can't do it when not called for? A: I haven't been instructed to say that.
- Q: How does it come that you can tell us she died 6 or 7 years ago and you don't think it was as much as 8 years, you tell me you know it ain't as much as 9 or 10 years and still you

can't tell us within any number of years how long she had been dead when you made the affidavit before Martin or how long she had been dead, when you did an important thing such as filing in the Chickasaw Nation which was not as long a time to remember as today? I will ask you that question again?

A: Well I don't know sir, just from my recollection.

Q: You have a trained recollection in some points it looks like and in others you haven't. Do you swear positively you have not been instructed on these particular facts?

A: Yes sir.

Q: You swear that? A: Yes sir.

Q: How old was this girl when she died? Katie? A: I don't know exactly how old she was, but I have got her age down, at least I ain't but others has.

Q: Do you know whether she was 15 or 20 or 30 that close?

A: No sir, she wasn't 30 I don't suppose.

Q: Was she 20? A: Yes, I suppose she was somewhere along about 20.

Q: You couldn't swear positively as to the exact number of years could you? Did you know at the time you made this affidavit exactly how old she was when she died; at the time you went before Martin? Do you know exactly how old she was? That is a plain question, do you know it?

A: Well I just judge it to be somewhere along that age.

Q: Somewhere along what? A: 20 or 22 years.

Q: Well which one? 20 or 22, which was it?

A: About the age you mean? About 22 I reckon.

Q: Do you know now or do you not know whether she was exactly 22 years old or not? A: No sir.

Q: You have made a lot of statements in there, you didn't know what they were about, didn't you? A: I don't know sir.

Andy Smith being first duly sworn, testified as follows:

Q: What is your name? A: Andy Smith.

Q: How old are you? A: A little over 60 years old.

Q: Do you know how much over 60 you are? A: No sir.

Q: Do you know whether you are closer to 70 or 60?

A: I am closer to 60, I have been here a good while.

Q: Do you know what year this is, Uncle?

A: No sir, I don't. I can't read or write or nothing.

Q: What is your post-office address? A: Clarksville.

Q: How long has you lived in Clarksville? A: I have been there a long time, that is my home I live about a mile on the other side.

Q: How long about have you lived there? A: Well, I have been living there---Well, it has been a long time now, I am about the oldest settled that has been there.

Q: You are, are you? A: Yes sir.

Q: Are you a citizen of the Creek Nation? A: Yes sir.

Q: What is the name of your father? A: I don't know.

Q: What is the name of your mother?

A: I don't know that either, they died when I was small.

- Q: Are you a citizen of the Creek Nation? A: Yes sir.
Q: What Creek Indian Town do you belong to? A: I used to belong to Tulsa, that is up the river.
Q: You are enrolled as a creek freedman, are you not?
A: I have been here in the Creek Nation ever since I can recollect.
Q: Have you any children? A: Yes, I have 3 living children.
Q: What are their names? A: One is named Louisa and one is named Resie.
Q: Which is the eldest? A: Louisa is the eldest.
Q: The next one is Resie is it? A: No sir, Winnie.
Q: Is Winnie next? A: Yes sir, Rose is the youngest.
Q: What is Winnie's name? A: Winnie Barnell, she goes by.
Q: Does Louisa go by the name of Louisa Barnes? A: Yes sir.

Witness is identified as Andy Smith, opposite Creek Freedman Roll number 2087.

- Q:
Q: Do you know a person by the name of Katie Alexander?
A: That was my wife.
Q: Were you married to her? A: Yes sir.
Q: Have you got a marriage license with you?
A: Yes, right here in the Muskegee Court-house.
Q: How long had you known her before you married her?
A: Lets see I know her about 2 years.
Q: That was here in the Creek Nation, was it? A: Yes sir.
Q: You are a great deal older than your wife was ain't you?
A: Yes sir.
Q: You are older than her father then ain't you? A: Yes, I think I is.
Q: Do you know when you were married to her, what year?
A: No sir, I don't.
Q: How long ago was it? A: I really couldn't tell you, I am telling you the truth. You see I didn't keep up with the time.
Q: Did you have any children by her? A: No sir.
Q: How long did you live with her before she died? A: As near as I can recollect we lived together a little over 3 years and then she died.
Q: Were you living with her at the time she died?
A: Yes sir.
Q: Did she die at your house? A: No sir, I had taken her to old man Abe Princes place.
Q: Were you there when she died? A: Yes sir, I was right there.
Q: Who else was there? A: Well her father was there, there was a good many of the neighbors around. Old man Abe Princes folks were all there.
Q: Did you ever draw any money from the Creek Nation?
A: Yes sir.
Q: How much? A: Well I drew at the time they had the \$20 payment and the \$14 payment I drew all of them.
Q: You drew the \$14 payment too? A: Yes sir.
Q: Do you know whether your dead wife drew that too?
A: Well, I don't know whether she did or not, at that time me and her wasn't married yet.
Q: You remember the \$14 payment, that was the last one, wasn't it? That came after the \$20 payment? A: If I am not mistaken it did.

- Q: You wasn't married then were you? A: I don't hardly think I was, my recollection is kind a short.
- Q: I suppose we can find out from the marriage license and we will ask to have it filed in this case.
(You are advised that you should furnish this office with a certified copy of the marriage license, which you say is over there in the court house)
- Q: You don't know whether you were married or not at the time of that \$14 payment? A: No sir, I couldn't exactly tell that. I want to tell the thing as far as I know, I don't remember that at all. My recollection is kind a short.
- Q: Did they have a preacher there at the time they buried your wife at Prince's house? Prayers or singing or anything like that? A: Yes, they had several of them there.
- Q: Who carried on the preaching or singing? A: Well old man Abe Prince.
- Q: Is he a preacher? A: No sir. No sir, he ain't no preacher but they had church going on, prayers.
- Q: Did they have no regular preacher? A: I don't know whether they did or not that night.
- Q: You have been married before, haven't you? How many times have you been married? A: Lets see, I was married about twice before I married her.
- Q: Did both of the former women die? A: Yes sir.
- Q: What was the name of your first wife? A: The first wife was named Aby.
- Q: Did you have any children by her? A: Yes sir.
- Q: What were their names? A: One was named Aby and the other was named Maxwell.
- Q: Are they living? A: No sir.
- Q: Those two children by your first wife are not living?
- A: No sir.
- Q: When did they die? A: I couldn't tell you.
- Q: Did they die before or after your wife Kate? A: Way before
- Q: They wouldn't be enrolled in the Creek Nation then would they? A: No sir, I don't hardly think they would.
- Q: Did the mother of them die before enrollment time too?
- A: The mother of these children? Yes the mother died first and then they died.
- Q: What is the name of your next wife? A: Nellie.
- Q: She was the mother of these two children enrolled here with you? A: Yes sir.
- Q: Louisa and Winnie? A: Yes sir.
- Q: When did Nellie die? A: I couldn't tell you how long ago.
- Q: She died before the enrollment commenced didn't she?
- A: Yes, I believe she did.
- Q: Do you know whether she died before the \$14 payment or not?
- A: She was living when ~~she~~ they had the \$25 payment.
- Q: Was she living when they had the \$14 payment? A: I don't recollect that, I couldn't tell you.
- Q: Do you know about how long ago it was? A: No sir, I just hate to say, of course you want the truth and I am going to tell the truth.
- Q: Now you have lived here you say a good long time in the creek nation and was enrolled and all that, and you take a little interest in what is going on in the Creek Nation don't you, do you remember Andy when they opened the office here for filing? A: No sir, I don't remember just what time they started.

- Q: I didn't ask you to tell me when they started but do you remember when they started. It was one big day, the day when they commenced, they called it the opening of the land office, it was here in Muskogee and they had big crowds of people here, did you come into Muskogee that day?
- A: Yes I came in here.
- Q: You remember then that big day, there was an awful big crowd here, they were kind a celebrating the fact that they were beginning to file? A: I remember it, but I don't know whether I came in the first day or not.
- Q: You couldn't be in town without remembering? A: I remember of coming here all right enough but I couldn't tell just exactly what time.
- Q: You remember of coming do you? A: Yes, I remember of coming.
- Q: Was your wife Kate living at that time? A: If I am not mistaken she was sick all the whole time. I want to state the fact today, I don't want to make a mistake. She wasn't in here at that time she was sick at that time, she was ill she would be up and down until she couldn't get around.
- Q: I am asking you if she was living at that time? A: If Kate was living at that time? Q: Yes, when ~~you~~ first came in to file?
- A: Well sir, I couldn't tell you that. You are asking me to state the truth and I am here to state the truth.
- Q: Do you know when the field party was around enrolling people, when they first get your name, do you remember that circumstance? I am not asking you to give the year at all Andy did you come to the Commission or did they come to you
- A: I came here. I came here I don't know whether this is the same place or not.
- Q: You came here in Muskogee? A: Yes sir.
- Q: Were you married to Kate at that time? A: I couldn't tell. I am telling the truth about it.
- Q: Do you know whether she was living at that time or not?
- A: No? Well I don't know.
- Q: When you came in here what did you come in here to do?
- A: I came to see about filing.
- Q: I think you are using the wrong term, you came to see about getting your name before the Dawes Commission to be enrolled are you not? A: Yes sir.
- Q: Didn't you come in here to see about your folks?
- A: To see about my children and myself and all my folks, then I went back home.
- Q: You gave in your name to the Commission didn't you? A: Yes I think I did.
- Q: Your age and things like that? A: Yes sir.
- Q: Gave even the name of your owner, didn't you, don't you remember that, telling them who your owner was? A: Yes sir
- Q: What was his name? A: She was named Jennie Smith.
- Q: What was the man's name? A: She was a white woman.
- Q: Didn't you tell them you were the slave of John Smith?
- A: He was my first owner.
- Q: At that time when you came in and gave them your information did you give them any other names besides your own?
- A: I don't know whether I did or not.
- Q: You told them about your children didn't you?
- A: Yes, I told them.
- Q: You told me a minute ago that you came in to enroll yourself and children. If you were married to Kate at that time and she was living, why didn't you give them your wife's name?

- How do you answer that Andy? You came clear out of your way and walked in here to the Commission instead of the Commission coming to you, for the simple purpose of getting your name enrolled, "filed" as you stated; there wasn't such a thing as filing then, that was the year afterwards.
- A: I don't remember that.
- Q: It was a fact whether you remember it or not, they had parties out and also had a commission here, they got the people enrolled, got a census of them, and that was at least a year before the filing began, you came in for the purpose of getting yourself and children enrolled. If you were married and she was living, then why didn't you give her name in? A: I don't remember, my recollection is short.
- Q: You don't know whether she was living at that time or not do you? When you came in and gave in the name of yourself and children? A: I couldn't tell now to tell you the truth about it.
- Q: Well that is what we want, the truth.
Your daughter Louisa was by a woman named Nellie, wasn't she? A: Yes sir.
- Q: How was she married? A: Yes sir, she was married.
- Q: Is Barnes living? A: Yes sir, George Barnes is living.
- Q: Which one was the eldest, your oldest daughter Louisa who married Barnes, or your wife Katie? A: I don't know which was the eldest.
- Q: You didn't know Kate's age when she died? A: No sir.
- Q: Do you know how old she was when you married her?
- A: No sir, I don't know.

H.XI.

Questions by O. T. Gilbertson, attorney for applicant:

- Q: How long was it after you were enrolled here until the time you filed, do you remember that? A: No sir, I don't. I don't remember it.
- Q: When you came down here to file, I don't mean the time you came to enroll, at the time you came to file on your allotment, where did you stay when you were here?
- A: I stayed right back across the track at Robert Smith's.
- Q: Where did you live at that time? A: I was living right across Bull Creek up on the hill.
- Q: You were living on Bull Creek when you came up here to file? A: Yes sir.
- Q: Where did you go when you got through filing? A: I went back home.
- Q: Whom were you living with at that time? A: I don't recollect that.
- Q: Were you living alone? A: Let me study, you asked me for the truth and I am going to tell the truth. Now I am living at my wife's place but at that time I was living on my own place and I was living there with the children and and this man's daughter was there at the time, this Alexander's daughter.
- Q: What was her name? A: Kate Alexander.
- Q: You are positive that she was there? A: Yes I am satisfied that she was there at that time.
- Q: Was that after you came back, after you filed here? A:
- A: I couldn't tell you, you see I never kept up with the times.
- Q: I want you to answer my question. A: I don't know as far as I can recollect.

- Q: Was there anybody else living there with you?
A: My children were there.
Q: Your children? A: Yes, my daughters.
Q: What were their names? A: Winnie, and Louisa and Rosie.
Q: All living there with you? A: They were all living there when they were single and after they were married they went to their own place.
Q: What time is this you have reference to? A: I don't know sir.
By Commissioner:
Q: Do you know anything of Kate having drawn that money were you with her when she drew it? A: No sir.
Q: You don't know in what town she drew that money, do you?
A: No sir.
Q: Do you know whether you were married to her at that time or not? A: No sir, I couldn't tell you.

Questions by O. T. Gilbertson, attorney for applicant:

- Q: Do you know what time he has reference to? A: No sir, I don't.

Questions by Commissioner:

- Q: You say after you went back home there and Kate was there and your three children were there and two of them have since married, have they, Louisa and Winney? A: Yes sir.
Q: You say they married after that time because they were there at the time you went back and you say that afterwards they married and went away? A: Let me see-- I am going to be sure. Louisa was married at that time, Louisa was. She was married to George Barnes.
Q: How long had she been married at that time?
A: I suppose Louisa, as near as I can recollect had been married 2 years before.
Q: Was Winnie married at that time? A: I don't know.
Q: You just stated that she was not, that she was at home but that afterwards she married off and went away. Is it a fact that she married after that time you are talking about?
A: I have to study-- my recollection is kind a short. I think if I am not mistaken, both of these oldest girls were married at that time, Winnie and Louisa.
Q: Now you are changing all your testimony are you not on these points? If she was married, how long had she been married at that time? A: I couldn't tell you.
Q: You told us how long Louisa had been married? A: I can't tell you how long Winnie had been married.
Q: Who was married first, Winnie or Louisa? A: I don't know sir.
Q: Is your daughter Rose Smith married? A: Yes sir.
Q: How long has she been married? A: I suppose it will be about 3 years or 4 years something, I am not certain as to the time, but she ain't been married so very long.
Q: How many children has she? A: She has two now.
Q: How old is the oldest one? A: I don't know sir.
Q: You don't know? A: No sir.

- Q: Are you sure she had only two children? A: I think she has three living children and lost one.
- Q: That would make four.
- A: Rose, you mean? No sir, she has only two living children and one she lost.
- Q: What is the name of the one she lost? A: I don't know.
- Q: Was it the last one? A: No sir, he is living.
- Q: What is his name? A: Horace Greely.
- Q: What is the name of the next one? A: I don't know.
- Q: Is it living? A: Yes sir.
- Q: You don't know whether she has named it or not? A: It is a young baby, I don't think it is hardly a month old.
- Q: Well you are not paying any attention to what I am talking to you about. You are wool gathering--I asked you the name of the first one and you said Greely, and now I am asking you the name of the next one and you say you don't know. Is it living? A: No sir. It ain't living.

(Reference is made to NF-615)

- Q: Would you know the name of the child who died if you heard it, if I told it to you now? A: I don't know, may be I would.
- Q: The one that died? A: I don't know sir.
- Q: Was it Johnny? A: I will tell you the truth, I don't know what the child's name was.
- 60th Delaney*
Recalled Q: Was it a boy or girl? A: I don't know sir.
- Q: Is it a fact that all you know about your wife and daughter drawing money, the \$29 and \$14 payment is from what you heard or were you with them when they drew it?
- A: I was with mine when she drew hers.
- Q: Were you with your wife and daughter both?
- A: The first time, yes sir.
- Q: How about the second time? A: I wasn't there I was in the Chickasaw.
- Q: You were not with your wife when she drew the \$14?
- A: No sir, I didn't went with her, when she got that.
- Q: At the second payment, the \$14 payment, you and she were married and she lived here but you had gone to the Chickasaw nation, and therefore you were not present when she drew it
- A: Yes sir, I was in the Chickasaw.
- Q: You stated that she was on the Arkansas roll? When I asked you what roll, you said Arkansas town. But on this affidavit here where you swore positively to the year, the number of years old she was, you also state, Arkansas, Colored, in this affidavit. That seems like a bad thing to do to swear to things you don't understand or ain't true. But she was on that town roll, do you know who was king of that town, who was the head of that town; any of the officers?
- A: Right at that time, I don't know whether it was Gabriel Jimmerson or old man Williams. Gabriel was about the main town king as far as I knew.
- Q: Do you know how her name and the name of Kate appear on the roll, if they appear at all? A: Yes, it was down by Rose's brother, Jim Samuel.
- Q: Is he living? A: Yes sir.
- Q: Is he here today? A: Yes Sir.

- Q: You don't know anything about it, you can't read or write and never read their names on the roll? A: No sir.
- Q: Do you know if your daughter was ever known by any other name than Kate or Katie? A: Yes sir. Katie Alexander, or Katie Smith?
- Q: What was it? A: She was married a third time I believe.
- A: Q: The first name was Katie Garwila, and the second name was Katie Bold or Bolding, I never did get acquainted with the man.
- Q: What was the third name? A: Katie Smith.
- Q: Then she had four names? A: Yes sir.
- Q: Did she ever have any children by any of the other men?
- A: No sir.
- Q: Did she ever have any by Smith? A: No sir.
- Q: Never had any children in her life, did she? A: No sir.
- Q: Was she married to any of them besides Smith? A: Yes sir, she was married to the other fellows.
- Q: All three of those? A: Yes sir.
- Q: Did your wife ever have any other children besides Katie?
- A: Yes sir.
- Q: What were their names? A: Eliza. She had two Eliza and Katie.
- Q: Eliza what? A: Eliza Alexander.
- Q: Did she die before Katie? A: Yes sir.
- Q: How long? A: I don't know, she died before her mother died.
- Q: Where is she buried? A: She is buried in the Chickasaw Nation.
- Q: Where is your wife buried? A: Across the North Canadian.
- Q: Where is Katie buried? A: Across the Arkansas.
- Q: Those are all the children she ever had, just those two?
- A: Yes sir.
- Q: Did you ever have anybody else living in your family other than those two? A: Yes sir, I have a grand-daughter.
- Q: What is her name? A: Ivy Jackson.
- I think they put it down here, had it Ivy Alexander but I think it is changed now to Ivy Jackson.

Questions by O. T. Gilbertson, attorney for applicant:

- Q: In what way was your daughter Katie Alexander married to these different parties? You stated that she had been married twice before she married Smith? A: The first time she was married she was married under the rules of the Indian Law and this second time she was married, I couldn't tell you how. I guess Jim Samuels could tell you about that.
- Q: Are her two former husbands dead? A: No sir, they are living.
- Q: Where are they living? A: That Boling man, I couldn't tell you where he is but this other man, this Garwila where he is either.

Nellie Smith, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Nellie Smith.
- Q: How old are you? A: I am about 45 years old.

- Q: What is your post-office address? A: Clarksville, I. T.
- Q: Do you know William Alexander? A: No sir, I don't know him, I have seen him several times, but I am not acquainted with him real good.
- Q: Do you know the deceased applicant in this case, Katie Alexander? A: Yes sir, I knew her.
- Q: Was she his daughter do you know? A: They said she was.
- Q: Are you any kin to William Alexander? A: No sir.
- Q: No kin to Kate? A: No sir.
- Q: Any kin to Kate's husband? A: No sir, but I am his wife.
- Q: Whose wife? A: Amy Smith, the husband of the dead woman.
- Q: How many wives has Andy had? A: Some 5 or 6 in his life and he is living yet.
- Q: Who was his wife just before you were? A: Kate.
- Q: When were you married? A: About 7 years ago.
- Q: Were you married by license? A: Yes sir.
- Q: Where did you get the license? A: Muskogee, right here.
- Q: About 7 years ago? A: Yes, as near as I can recollect.
- Q: Was his wife Kate living at the time you were married? A: No sir, I couldn't be married to him then.
- Q: How long did he wait before he married you? A: A year or may be a year and a half or two years.
- Q: He waited a year or a year and a half or two years before he married you after his wife died? A: Yes sir.
- Q: You are sure of that? Your best recollection is, which we can prove by the license at the court-house, that it was 7 years ago when you were married? A: Yes sir. Of course I could tell by looking at the license which I have at home.
- Q: He didn't have any wives between the time he married you and Katie's death did he? A: No sir, not as I know of.
- Q: Didn't you know him all the time? A: Yes sir. I was living right there all the time.
- Q: Are you a citizen of the Creek Nation? A: Yes sir.
- Q: He had a woman named Nellie Smith before you, did he? A: Yes sir.
- Q: She was dead before you married him? A: Yes sir.
- Q: Under what name ~~you~~ were you enrolled? A: In this land office? A: Nellie Robinson, I filed by that name.
- Q: You never married anybody in between you married him and this time? A: No sir, it was against the law.
- Q: Well you might do that, get a divorce and marry him again? A: No sir, I wouldn't want to do away with the money that way.
- Q: You think you are enrolled as Robinson? A: Yes sir, Nellie Robinson.
- Q: Are you enrolled as a freedman or an Indian? A: Freedman.
- Q: What is the name of your father? A: Well I can't tell you but what they told me because I don't know my father.
- Q: Tell me that? A: His name is Sampson Grayson, he was a soldier.
- Q: What was your mother's name? A: Mary Grayson.
- Witness is identified as Nellie Robinson, opposite Creek Freedman roll No. 3259)
- Q: Had you been married before you married Smith? A: Yes sir.
- Q: What was the name of your husband? A: Dixon Scott and my second husband was James Henry Robinson.
- Q: You had children by both of them didn't you? A: Yes sir.
- Q: Was your first child named Takey? A: Yes sir.

- Q: What is the name of the next? Sam.
 Q: What is the next? A: Tom.
 Q: What is the next? A: Walter.
 Q: What is the next one after Walter? A: Letha.
 Q: The next one? A: Butcher.
 Q: Are they all living? A: Yes sir.
 Q: What is the name of the next one after Butcher? A: Elsie Robinson.
 Q: What is the name of the next one? A: Florence Robinson.
 Q: What is the name of the next? A: David Robinson.
 Q: Is David living? A: He is 8 years old past.
 Q: How old was he when you married Smith? A: He was, I think he was a little over, as near as I can recollect it now he was a little over 2-1/2 years old. As near as I can recollect.
 Q: When you married Smith did he have a step-daughter with him? A: He had his daughter with him.
 Q: What was her name? A: Her name was Rosa Smith, he had his own daughter by his wife Nellie Smith with him.
 Q: Did she marry afterwards? A: Yes sir.
 Q: Who Carville? A: Yes sir.
 Q: The other two daughters were married? A: Yes sir.
 Q: Did you know Katie, his other wife? A: Yes sir.
 Q: You think it was about a year or a year and a half or two years after her death before you were married to him?
 A: Yes, I think it was.
 Q: You know it was at least a year? A: Yes, I am certain it was over a year, I am certain of that, but how much over I don't know, we didn't keep any record, we people don't keep much record.
 Q: You don't know when she died then do you? A: No sir. I know it was in June, but what year, I don't know.
 Q: How do you know that? A: Everybody was plowing corn and everything was green, that is how I know.
 Q: That is the way you remember it was June? A: Yes sir.
 Q: What month were you married in H's. Smith? A: In January as near as I can think about it.
 Q: You probably remember that because it was cold weather do you? A: Yes sir.

Questions by C. T. Gilbertson, attorney for applicant:

- Q: What date is this? A: About the 8th or 9th of August.
 Q: What year? A: 1906.
 Q: Where were you enrolled? A: Well I was enrolled in some building or other, do you mean what district?
 Q: Yes, did you enroll here ~~xx~~ or was the field party out?
 A: I enrolled here in Muskogee.
 Q: What year was that? A: I forget that.
 Q: How long were you enrolled before you filed?
 A: It was a good while.
 Q: How long since you filed? A: I don't know how long it has been since I filed-- let me see now, if I can't recollect. Some 5 or 6 years I think as near as I can recollect
 Q: It wasn't more than 6 years ?
 A: No, I don't think it is any more than 6 years. It is not more than 6 years since I filed. If I had my deeds I could soon tell you.
 : How does it come that you filed in the name of Robinson.
 A: Because I was married to that man at that time, because I was of that name until I got my divorce.

- Q: You testified a short time ago that you married this man Smith 7 or 8 years ago? A: Well I said as near as I can guess it. You see we people in this country as creek freedmen, we never take any record of dates.
- Q: How many children have you got? A: I have had 13. I lost 4 and raised the rest.
- Q: Where were you living when you married Andy Smith? A: Right where I am living now at my place where I live on.
- Q: I believe you testified that Kate Alexander, or Kate Smith then, was his wife before he married you? A: Yes sir.
- Q: And that she was dead? A: Yes sir.
- Q: And that she had been dead a year and a half or two years? A: As near as I can recollect, may be not so long.
- Q: How do you know what time Kate died? A: No sir, I don't know the date of the month, but I know the month.
- Q: Do you know the year? A: No sir.
- Q: Is there anything that you can establish the date by, the happening of some event? A: Well I do, my baby boy was born, as I have got it written on the book, March 21, 1897. I have got it that way.
- Q: Do you mean David? A: Yes sir. And I think he was a little over 2 years old when he died, as near as I can recollect.
- Q: David was a little over 2 years old when he died? A: Yes I think he was.
- Q: How old is David now? A: I call him to be 8 years old past this last past March, the 21st.
- Q: That is the way I count it, maybe I am mistaken but that is the way I count it.
- Q: Well now you testified a few minutes ago that it is about 8 years ago since you married Smith and that Kate had been dead about 2 years and a half before you married Smith?
- A: Two and a half as near as I can recollect it, it might not be so long.
- Q: That makes ten years and a half as you testified a while ago and as you testify now, it is ~~isn't~~ about 7 years since Katie died? A: Only about 7 years.

Commissioner calls attention to the fact that the last statement is not so. Because she wasn't certain about the length of time she married after Katie's death and some of her statements would make it only 5 years ago. One statement is 5 or 6 years. It isn't right to state that her testimony is 7 years now. It is too leading and suggesting to put her on the right track.

Questions by O. T. Gilbertson, attorney for applicant:

- Q: How old was David Robinson at the time Katie died?
- A: You already asked me that.
- Q: What time was David Robinson born? A: He was born in 1897, that is the way I have got it set down in the book at home.
- Q: How old was David when you married Smith?
- A: Well I don't recollect how old he was, but I guess he was a little over 3 years old, if I can recollect.

Questions by Commissioner:

- Q: He was a little over 3 years old when you married Smith?
A: I think he was.
Q: To the best of your recollection, it was more than 2 years that Katie was dead before you married him? A: Yes, as near as I can recollect, I think it was.
Q: According to that then, you are not mistaken if your child was about 3 years old when you married Smith and if the woman had been dead two and a half years or something like that when you married Smith, your child David must have been born about the time she died, wasn't he? A: No sir, David was born before she died.
Q: How long about? A: Well about 2 years as near as I can recollect because, why I say he was born before she died, she lived neighbor to me and when I was sick she came to see me.
Q: That can't be true Nellie if your child was about 3 years old when you married Smith and if you didn't marry Smith until after the other wife was dead 2 years, he couldn't be three years old? A: Well I say now, I am liable to make a mistake same as anybody else.
Q: Is it true that the child was more than two years old when she died? A: It might have been, but I might be mistaken.
Q: Your child was born, you know, from seeing the record in March '97? A: Yes sir.
Q: You don't think the child was 2 years old when she died?
A: No sir, I don't think he was.

Questions by O. T. Gilbertson, attorney for applicant:

- Q: Were you divorced from your husband before Katie died?
A: No sir.
Q: Didn't you marry Smith in the winter? A: Yes in January.
Q: Didn't you marry Smith, the first winter after Katie died?
A: No sir, I don't think I did.
I don't think I did, as near as I can recollect it.

Questions by the Commissioner:

- Q: Did you say you have a bible record about the ^{Date} birth of your baby's death? A: I had it written down, if I am not mistaken, but the best of people make a mistake sometimes.
Q: Who do you think wrote it down? A: I did myself.
Q: Have you seen it lately? A: Yes, I seen it the other day.
Q: And you say it says it was born March 27, 1897?
A: Yes, unless I am badly mistaken.
Q: Katie didn't die the next June right after that did she?
A: I don't think she did, I don't think she died that spring.
Q: Would you not recollect that? A: I may, I don't know.
Q: You say she helped you when the child was born?
A: She did like any other neighbor, would stay a little while and go back home.
Q: You say when the child was born? A: No afterwards.
Q: I will ask you again, how old was your baby David when you married Smith? A: He was a little over 2 years old or 3 years old I don't know which.
Q: A little over 2 years old or 3. It wasn't over 3 years old was it? A: No sir he was a good sized boy, I had weaned him a good little while.

- Q: You didn't marry Smith less than 2 years after Kate died?
 A: As near as I can recollect it was a year and a half or 2 years, it don't look like it was so very long or so very short but I couldn't say just how long, I know it was over a year.

John Barnwell being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: John Barnwell.
 Q: How old are you? A: I don't know my age exactly, but I think I am 55 or 56 years old, somewhere along there.
 Q: What is your post-office address? A: Hitcheta.
 Q: Are you a citizen of the Creek Nation? A: Yes sir.
 Q: What town? A: Tuckabatchee.
 Q: You are on the Creek Indian roll ain't you? A: Yes sir.
 Q: You have been a witness in a good many cases, ain't you?
 A: I don't know how many, I have been a witness here though.
 Q: You have received money for testifying, have you not?
 A: No sir, if I have, I don't know it.
 I got some money from a woman that paid me up there once.
 Q: Do you know the applicant in this case? Katie?
 A: Katie who? Q: Katie Alexander? A: Yes sir.
 That is the only name I know her by.
 Q: Never heard her called Katie anything else? A: No sir
 I didn't hear her called by any other name.
 Q: When did you first get acquainted with her?
 A: Oh, it has been, I don't know exactly how long, but I was acquainted with her 3 or 4 years before, about 2 years before I went over there at the time of the filing.
 Q: That answer isn't intelligent.
 Make your answer so it will mean something? About 3 or 4 years before what? A: Before 1899.
 Q: You don't know what year that was that you knew her first?
 A: It must be in 1896, I guess.
 Q: According to that you think the filing began in 1898?
 A: '99 I think it was, I don't know.
 Q: Are you any kin to Kate? A: No sir.
 Q: Ever lived near her? A: No, I lived at Tuckabatchee and they lived down there.
 Q: You were not present when she died? A: No sir, I don't know when she died. I don't know whether she died or not.
 Q: Have you been around the freedmen or negroes very much?
 A: Yes sir lots and lots of times.
 Q: Associate with them a good deal do you? A: Yes sir.
 Q: Part negre yourself are you? A: No sir.
 Q: How does it come that you paid any attention to this woman you are no kin to? A: I know lots of people that I am no relation to, I got acquainted with them some way.
 Q: How long did you know her? A: Oh, I know her up to about '99.

- Q: Didn't you just state a minute ago that you didn't know when she died? A: No sir, I don't know when she died I don't know when she died.
- Q: What are you going to testify to in this case? A: That is all I know about it.
- Q: You haven't said anything yet, except that you probably met her in '96. What is your purpose in appearing here today? A: They just called on me.
- Q: Who called on you? A: This girl's father, William Alexander.
- Q: When did you see him first? A: He was home this morning.
- Q: How long ago, what hour? A: Early this morning, before breakfast.
- Q: Did you come up here with him this morning?
- A: Yes, I came up this morning.
- Q: Have you talked to any of these people about this?
- A: No sir.
- Q: How did he know you could be a witness in this case?
- A: He knew me and knew I knew his daughter, I guess.
- Q: Didn't he ask you if you knew when she died? A: No sir. He is the man who told me she died, I didn't know it then.
- Q: Did he tell you when she died? A: No sir.
- Q: Did anybody? A: No sir.
- Q: Has he paid you for being a witness in this case?
- A: No sir.
- Q: Has he promised you anything? A: No sir.
- Q: You are about town a great deal aren't you? A: Yes sir.
- Q: Living here? A: No, I am not living here.
- Q: What is the name of the father of this girl?
- A: William Alexander.
- Q: You never knew her by any other name besides Kate Alexander?
- A: That is all.
- Q: What is the name of her mother? A: Rose.
- Q: Rose what? A: Rose Stitum is what we call her.
- Q: How did Katie get the name of Alexander then? A: I don't know.
- Q: Is Rose Stitum living? A: I don't know whether she is or not.
- Q: When did you see her last? A: It has been a good many years, may be it has been 25.
- Q: You don't know whether she drew the \$29 or the \$14 payment?
- A: No sir, I don't.
- Q: Do you know whether Katie drew it? A: I don't know as I do.
- Q: How long did you know Rose? When did you first get acquainted with her? A: Well I have been acquainted with her just about the time I got acquainted with her little girl.
- Q: You don't know whether either of them drew any money or was on any roll? A: No sir.

Questions by O.T. Gilbertson, attorney for applicant:

- Q: Where did you last see Katie Alexander? A: Across the river at old man Princes house.
- Q: When was that? A: That was in June '99.
- Q: How do you know it was June '99. A: I know by the way I worked, I was working for Spaulding Hutchinson listing briefs.
- Q: What were you doing when you saw Katie Alexander?
- A: Why, just as I told you I was listing briefs, filling in Indians, that is what I was doing.

- Q: What were you doing up there? A: I went up to see old Babe Mahardy, he owed me a horse.
- Q: Were they filing here at that time? A: Yes, I loaded the Indians into wagons.
- Q: How did you know they were filing? A: I brought them down to file?
- Q: Did you have a party that day here, at the time you went up there? A: Yes sir.

Questions by Commissioner:

- Q: You were filing people were you? A: I was getting them to file.
- Q: What were you doing that for? A: For the Mercantile Company. They had to pass the lease and they wanted to hold the ground.
- Q: So they could hold the land is that it? A: No so they could rent the grass off it.
- Q: You worked for that purpose, did you? A: Yes sir.
- Q: Didn't it occur to you that that might be an illegal practise? A: I didn't know. We let them pick their own ground and they filed on it and they made their own contract.
- Q: When did you commence to work for that mercantile company? A: Before the filing ever commenced.
- Q: Did you keep right on up to the time you are talking about? A: Yes sir.
- Q: Can you tell me the year you began to work for them? A: I was working the year before that in '98.
- Q: What time in '98? did you commence work for them? A: Early in the spring.
- Q: Do you know what month? A: April or May, along there.
- Q: Do you know which one it was? A: No sir, I don't know, but I know it was early in the year.
- Q: How do you know about June then of that year? A: I know about June, we hadn't brought anybody down before the filing commenced. My work was to take them out and they picked their land themselves.
- Q: How does it come that you can swear it was in June you saw this woman and can't tell what month you began to work for the Mercantile Company? A: I began last year in April.
- Q: What month did you first begin working for them? A: It was early in May or April.
- Q: Do you know what year this is? A: Yes sir.
- Q: What year is it? A: 1906.
- Q: You commenced filing Indians for those people what time? A: Well we commenced to in May, we commenced filing them.
- Q: Do you know whether it was May or not? A: I know it was in May.
- Q: What part of May? A: I know it was the first part of May, I didn't keep the date.
- Q: Do you remember any event that happened during the month of May, while you were filing there? A: No sir.
- Q: Nobody died during that month? A: No sir, I didn't keep account of that.
- Q: What is your father's name? A: John Barnwell.
- Q: What is your mother's name? A: Eliza Barnwell.
- Q: Do you remember when you filed on land in the Creek Nation? A: I ain't filed, they just located me.
- Q: Do you know when you first made a selection of land in the Creek Nation? A: I was living on the land I got and I came to see the Dawes Commission about it.

- Q: Do you remember when you were enrolled by the Dawes Commission? A: No sir, I don't. I lay in bed nearly 3 years sick and I was enrolled by Tobe Alexander town chief at that time.
- Q: Don't you know when? A: No sir, I don't.
- Q: Can't you remember when you were enrolled or when the filing was made for you, but you remember of seeing this woman? A: Yes, that was after I was enrolled but when the Dawes Commission was at Aken, when the man took me in his buggy, I went up there and they said I was enrolled.
- Q: You say you were filed and enrolled after this time you are talking about? A: Yes sir, way after that. I didn't ever file myself at all.
- Q: Have you any children? A: No sir, I raised lots of them, not mine.
- Q: Do you know one that you raised by the name of Stella Logan?
- A: I have her yet.
- Q: Was she born at that time? A: Yes sir.
- Q: How old was she? A: 2 or 3 years old.
- Q: Can't you come any closer to it, it looks like you ought to know more about your own ward, a person living in your family, than you would about a woman you just happened to see there.
- Q: She wasn't in my family at that time she gave her to me after the man died.
- Q: How old was she when she gave her to you? A: About 3 years old.
- Q: Was that before or after you saw this woman? A: It was afterwards.

It appears from the records of this office that Stella Logan the ward of this witness was listed May 19, 1901, her age at that time being 6 years.

- Q: Did you say how old she was? A: She was pretty near three years old then.
- Q: Are you positive you couldn't be mistaken about the month or year that you saw that baby?
- A: I am pretty sure about the month.
- Q: Are you sure about the year? A: I am now very sure about the year but I am sure about the month.
- Q: You have testified a good deal as a witness here, haven't you? Been a pretty willing witness in enrollment cases here haven't you? A: Not so very many.
- Q: I can count at least ten that you have been a witness in.
- A: If I have, I don't know it. I didn't know that there is that many. This is one I don't think I am mistaken in.
- Q: Do you think it possible that you could be mistaken in that year? A: I might be but I don't think I am.

Gracie Marshall being first duly sworn, testified as follows

Questions by Commissioner:

- Q: What is your name? A: Gracie Marshall.
- Q: How old are you? A: I don't know. I got no education at all and I don't know anything at all about my age.

- Q: What is your post-office address? A: Clarksville.
Q: Did you ever know a person named Katie Alexander? A:
A: Yes sir.
Q: Did you ever know her by any other name? A: Yes sir.
Q: What was that name? A: Kate Smith, she married to a man
named Smith.
Q: Do you know of her going by any other name? A: No sir,
I don't know any other name.
Q: Do you know the name of her father? A: Yes sir, William
Alexander.
Q: What is the name of her mother? A: Rose.
Q: Is she living? A: No sir.
Q: Do you know when she died? A: Yes, I know when she died
but I don't know exactly what time, but it was in June, but
I don't know what time in June or nothing like that.
Q: How do you remember it was in June? A: When I was children
I always used to ketch the June bugs and I always have early
cabbage and those little bugs used to be on my early cabbage
and that was bound to be in June because I never did see
them bugs at all until near June.
Q: That has been a long time since that girl died ain't it?
A: Yes it has been a long time since we filed her, at least
it is a mighty long time to me.
Q: Did she die before or after the filing? A: She died after
we commenced filing, she was laying as low when we first
came to file. We had a little ticket and when you was
called you had to present your ticket and she was sick then.
We couldn't come any further than the door, there was such
a crowd.
Q: What do you mean by laying low? A: Laying sick and not
able to get out or do anything.
Q: Don't you know that that woman never was enrolled by you
or others? A: No sir, I don't know nothing about it.
Q: Ain't that what you mean by laying low? A: A person is
sick and not able to know--- I am not too old to learn.
What would you say? What would you say if they are
really sick?
Q: Well we would say they are very low or sick.
A: If I had said that you would have had something to say.
Q: You don't know anything about years do you? A: No sir,
I don't know anything about years nor dates nor nothing
like that, I never was to school a half day in my life.
Q: Are you enrolled? A: Yes sir.
Q: Do you remember the first time you came here?
A: Mr. Bixby was the man we saw when I first come here, and
when I first come to file and they said your Aunt filed
on this land. This man contested me and then one called
me up.
Q: I asked you if you remember the first time? A: No sir,
I couldn't tell you when it was, but I know it is bound to
show me on the record.

Questions by O. T. Gilbertson, attorney for applicant:

- Q: Do you know Rose Stitum, Katie's mother?
A: Yes, but then times I didn't know nothing about Stitum,
when I come to know her, she had William Alexander.

- Q: How long did you know her? A: I was nothing but a girl then.
- Q: Do you know whether Rose Alexander was a citizen of the Creek Nation? A: Yes sir, she was a citizen.
- Q: How do you know? A: Because when we all come up here and I come to my senses, I knew that she was called an Injun nigger.
- Q: Do you know whether she ever drew any money in the Nation? A: Yes Rose did. We all drew together.
- Q: Were you with her at any time? A: Yes sir, we all drew at Okmulgee.
- Q: Was that the last or the first payment? A: I drew three times for myself, of course until a kid grows up the old folks draw for them.
- Q: How many times was Rose with you? A: Only once.
- Q: How much money did you draw at that time? A: \$9 a head I think we drew. I don't know exactly how much we drew at Okmulgee, and Mr. Severs he was there to collect.
- Q: You don't know what year that was? A: No sir.
- Q: Don't you remember whether that was the last payment or not? A: Yes, that was the last payment I went to.
- Q: Was Katie living at that time? At the time of the last payment? A: No sir Katie wasn't there, if she was, I didn't see her.
- Q: Was she living at that time? A: Yes sir.
- Q: How long after that before she died? A: It was a long time after that, it has been a good while.
- Q: Was any money drawn for her at the time you say she wasn't there? A: No sir.
- Q: Do you know of any money that was drawn for her? A: No sir.
- Q: About how old a girl was Katie when she died? A: I don't know.
- Q: Was she a grown woman or do you know? A: She was a woman and had a husband.
- Q: How many husbands did she have? A: She didn't have any husbands but old man Andy. Andy Smith that I know of.
- Q: You didn't know her very well did you? A: I knew Katie before she knew herself but I wasn't with her very much.
- Q: Were you away from her long, so much that you wouldn't be acquainted with her? She witness here testified she had three husbands? A: Well you see, I didn't know that she had three husbands. I wasn't staying with Katie, I was staying with Clarence Turner.

On page 14 of the 1890 pay roll of the Creek Nation for Arkansas Town appear the following names.

1. Rose Alexander.
2. Elijah "
3. Catherine "
4. Iva "

Opposite Numbers 1, 2, and 3 appears in blue pencil "the word name- dead" and the second name has been changed from Elijah to Eliza and opposite number 4 appears the number 112. No other names appear in said group.

The 1898 omitted roll of said town examined and the following names appear:

Rose Alexander,

Katie "

Ivy "

On Creek Freedman card, filed number 545 appear the names of Andy Smith and his daughters, Louisa Barnes and Rose Smith. No other names appear on said card.

On Creek Indian Card, filed number 537 appears the names of Sam Barnett and Winnie Barnett. The latter's parents being given as Andrew Smith and Nellie Smith, no other names being on said card.

It does not appear from an examination of the records in this office that the name of the applicant, herein, has been listed on any card either under the name of Katie Smith or Katie Alexander.

James Samuel being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: James Samuel.
Q: How old are you? A: Well, I couldn't tell you just exactly, over 40.
Q: What is your post-office address? A: Porter.
Q: Are you a citizen of the Creek Nation? A: Yes sir.
Q: What is the name of your father? A: Sam Stitum. Some call him Sam Melvin.
Q: What is the name of your mother? A: Easy.
Q: Easy what? A: She was Rose before she died.
Q: What before Rose? A: Samuel.
Q: How long have you lived in the Creek Nation?
A: All my days.
Q: What Creek Indian Town do you belong to? A: Arkansas.
Q: You have never held any office in the Creek Council have you? A: No sir.
Q: Did you ever draw any money from the Creek Nation?
A: Yes sir.
Q: What was the last money you drew, how much? A: I couldn't tell you.

Questions by O. F. Gilbertson, attorney for applicant:

- Q: Do you know Rose Stitum? A: Yes sir.
Q: What was her name before she died? A: Rose Alexander.
Q: What if any relation was she to you? A: She was my sister.
Q: Do you know Kate Alexander? A: Yes sir.
Q: Was her name also Katie Smith? A: Yes sir, Katie Smith.
Q: What relation was she to Rose Stitum? A: Rose Stitum's daughter.
Q: Rose Stitum is your sister? A: Yes sir.
Q: You are a citizen of the Creek Nation? A: Yes sir.

- Q: Is Rose also a citizen? A: Yes sir.
Q: How long since she died? A: I couldn't tell you.
Q: Did she draw any payments in the Creek Nation? A: I suppose she did.
Q: Was Kate a citizen? A: Yes sir.
Q: Do you know whether Kate drew any money in the Creek Nation?
A: I couldn't tell you.

Questions by Commissioner:

- Q: Do you know of any money drawn by her? A: No sir, not as I know of.
Q: Do you know why it was not? A: No sir, I couldn't tell.
Q: You don't know when Rose Stittum died do you? A: I couldn't tell you exactly when she died.
Q: Is Kate living? A: No sir, she is dead.
Q: Which died first Rose or Katie? A: Rose died first.
Q: Do you know how long before her daughter? A: No sir, I couldn't tell you that.
Q: Don't know about the death of either then? A: I couldn't tell you and tell the truth about it.

Questions by O. T. Gilbertson, attorney for applicant:

- Q: Where did Kate die? A: At Abe Princes house.
Q: Where is that? A: That is over here west of Porter over here.
Q: How long had she been staying at Abe Princes before she died? A: I couldn't tell you.
Q: Where did she stay before she stayed at Abe Princes?
A: She stayed at my house.
Q: Who took her to Abe Princes? A: I did.
Q: She died at Abe Princes'? A: Yes sir.
Q: Was the funeral ~~xxx~~ held at Abe Princes house? A: I brought her back after she died.
Q: Back where? A: To my house to the graveyard and buried her.
Q: Who went to get the coffin? A: I don't remember who went to get the coffin.

Questions by Commissioner:

- Q: You didn't get it yourself did you? A: No sir, I don't remember. I don't remember whether it was I or William, I don't remember who got the coffin.
Q: You think it was you or William? You think it was either one of you two? A: I don't know for sure.
Q: Do you know where the coffin was got from? A: No sir I don't remember that actually, I don't remember where the coffin was got at.
Q: Don't you remember the year that that coffin was bought for Kate? A: No sir, actually I don't remember at all.
Q: Can you give us an idea what year she died in?
A: No sir, I couldn't say.
Q: Did she die at your house? A: At Abe Princes house.
Q: As a corpse you brought her to your house? A: Yes sir.
Q: Is Abe Prince living? A: Yes sir, he is here.
Q: Was Abe married at the time this woman was there?
A: Yes sir.
Q: Is his wife living now? A: Yes sir.
Q: Was she there at the time Kate died? A: Yes sir.

- Q: Is she living with Abe Prince here in town? A: She is living with him but he is not here now.
- Q: What is Abe doing here, is he working here? A: I couldn't tell you what he is doing here, he is here most of his time.
- Q: Where do you think that coffin was bought; you think either you or William bought it? A: Well sir, I couldn't tell you.
- Q: What town was your place and Abe Prince's place nearest to that you could have bought the coffin? A: He lives near Choska, and I live three miles west of Clarksville.
- Q: If the coffin was bought, it would have been bought at either one of those two places? A: I am just thinking if they kept coffins there?
- Q: Was the body in a coffin when it was brought from Prince's house to your house? A: No sir, I just made a box and brought her in a box and got the coffin at home, but I actually sure do forget where I got it.
- Q: Then a coffin must have been bought if you brought her to your house in a box? A: Yes sir, I brought her in a box to my house.
- Q: Is Clarksville the nearest town to your place where you could have gotten it? A: Yes sir.
- Q: Did you have a preacher there when she was buried?
- A: I don't know for certain, if I mistake not, Ely Jacobs was there.
- Q: Did he preach? A: Yes sir.
- Q: What is his post-office? A: Porter.
- Q: Who dug the grave, do you know?
- A: No sir, I don't remember who dug the grave.
- Q: Did you file on your land yourself in the Creek Nation, did you come into the land office and make application for your land? A: Yes sir.
- Q: You did that for yourself and wife and children, did you?
- A: Yes sir.
- Q: You remember of doing that? A: Yes sir.
- Q: Was this Kate living at that time? A: When I filed? I don't remember.
- Q: Do you remember whether she was living or not? There is one point you remember well, coming in here to file for yourself and family. There is another fact you ought to remember, if you don't remember the date when the woman died that is, did you make that box and take her to your house before you filed? A: I don't remember that.
- Q: Don't you remember whether she died before you came in to file or not? A: Actually, I don't.
- Q: Do you remember whether she died ~~before or after~~ in the same year you did the filing or whether it was before or after? A: I couldn't tell you that either.
- Q: Don't you know as a matter of fact that she wasn't living at the time you came in to file?
- A: I am telling you to the best of my knowledge, I truly don't remember.
- Q: Name your children? A: Thomas Samuel, Willie Samuel, Alfred Samuel, Iareal Samuel, Gertie Samuel, Lissie Samuel, Edna Samuel, and Sarah Jane Samuel.
- Q: Is your child Edna living? A: Edna is dead.

- Q: Which one died first, Edna or this woman you went and made the box for and took her to your home, did Edna die before that or did she die afterwards? A: She died before Edna I am satisfied of that.
- Q: Are you sure of that? A: Yes sir.
- Q: How long had she been dead when Edna died? A: Well, I could not tell you, how long Mister.
- Q: Do you know when people began filing, have you got a general idea of when that was? A: No sir, I don't know what year it was.
- Q: I didn't ask you what date it was, have you any idea of when it was? A: No sir, I couldn't tell you.
- Q: You didn't come in right away when it began did you?
- A: No sir, I didn't come in right away.
- Q: Was your child Edna living at the time you filed for yourself?
- A: Actually, I don't remember.
- Q: Now before you did the filing you had to be enrolled, didn't you? A: Yes sir.
- Q: You were not enrolled the year you filed were you? A: I suppose so, I couldn't tell you exactly.
- Q: Don't you remember the Dawes Commission field party coming to you, or you yourself coming in to enroll yourself and big family, and afterwards you came to file, didn't you? A: Yes sir.
- Q: Now at the time you came to enroll yourself was Edna living at that time? A: I think she was.
- Q: How long did she live afterwards? A: I couldn't tell you Mister, actually I couldn't. I couldn't tell you, I just actually don't remember at all.
- Q: How does it come that you can tell us that she was living when you came to enroll but can't tell if she was living when you came to file? What I remember I tell you but what I don't remember, I don't acknowledge that I remember.
- Q: Did you ever hear that any record was made of the death of Katie, any writing done? A: No sir I didn't, I don't believe I ever heard.
- Q: You haven't any way of fixing the date when you put this woman in the box and brought her from Prince's house or to fix the date of the funeral when you think that man preached? You have no way of fixing that to get at the date? A: No sir.
- Q: Your child Edna wasn't very old when she died was she?
- A: No sir, she wasn't very old.
- Q: How old was she? A: I couldn't tell you how old she was.
- Q: She wasn't a year old was she? A: She must have been worse than a year old, I couldn't tell you how old she was.
- Q: Well did you make that box before or after Edna was born?
- A: I couldn't tell you.
- Q: Don't you know whether you had this youngest child Edna before that funeral? A: I couldn't tell you whether it was before or afterwards.
- Q: You said you made a box for Katie, put her in a box to take her from Prince's house? A: Yes sir.
- Q: Such an important thing as that, you don't know whether you had Edna then yet or not? A: No sir.
- Q: Is Edna your youngest child? A: No sir, she ain't the youngest.

- Q: How many children have you got younger than she is?
A: I have got one more I believe younger than she is.
Q: What is its name? Sarah Jane? A: Yes sir.
Q: Is she living? A: Yes sir.
Q: How old is she? A: She is near to 4 years old I think if I am not mistaken, near about.
Q: Well at the time you carried Katie a body from Princes house to your house had your child Sarah Jane been born yet? A: No sir, not Sarah Jane.
Q: How long after that funeral of Kate, before Sarah Jane was born? A: I couldn't tell you.
Q: Was it as much as a year? A: I couldn't tell you.
Q: Couldn't tell whether it was as much as a year? A: No sir, I couldn't tell you.
Q: How much older is Edna than Sarah Jane? A: I couldn't tell you. I have got the ages down but I couldn't tell you now.
Q: If you could look at that would you know then if they were living at the time you buried Kate? You couldn't tell any better could you? A: No sir but I would have something to look at.
Q: I am just asking you about the fact, if your child Edna was living at the time you buried Kate. You went to a lot of trouble to make a box to bring her from Princes house to your house, can you tell whether Edna was born or was living at that time? A: I couldn't tell you exactly.
Q: You don't know how long it was from the time Katie died until Sarah Jane was born? A: No sir, I couldn't tell you.

(It appears from the records of this office that Sarah Jane Samuels, the child of witness was born February 10, 1901)

It also appears from the records that Edna Samuels, child of the witness was listed for enrollment September 2, '99 and her age at that time was given as 6 months.

The letter and enclosures in the letter are made a part of the record in this case and marked Exhibit "A".

Abe Prince being first duly sworn testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Abe Prince.
Q: How old are you? A: I am about 60.
Q: What is your post-office address? A: Red Bird.
Q: Do you know the applicant in this case? A: Yes sir.
Q: Is she dead? Yes sir.
Q: Who is the applicant in this case? A: Katie Smith.

- Q: Do you know her by any other name? A: She used to go by Kate Carville once.
- Q: Anything else? A: No sir that is all the names I knew her by.
- Q: What was the name of her father? A: William Alexander.
- Q: You didn't know her by any other name than Carville and Smith? A: No sir.
- Q: What is the name of her mother? A: Her mother is named Mary or Susie, one.
- Q: Is she living? A: Yes sir, she is living.
- Q: Are you well acquainted with Mary or Susie? A: Yes sir.
- Q: Is Kate living? A: No sir, she is dead.
- Q: Who died first, she or her mother? A: Her mother.
- Q: How long before? A: I don't know but she died first.
- Q: Do you know when Katie died? A: No sir.
- Q: Where did she die? A: Right there at my place.
- Q: How long has she been dead? A: I couldn't tell you how long she has been dead.
- Q: How can you tell when she died then? A: They brought her there sick, my old lady is a doctor.
- Q: You only know she died, you don't know when, do you?
- A: She died in the month of June.
- Q: You can tell that but you can't tell how long ago? A: No sir, I couldn't tell how long ago.
- Q: Do you know what year? A: No sir, I can't tell you what year.
- Q: What was your wife's name? A: Nellie.
- Q: Was she home when Katie died? A: Yes sir, she was right at home.
- Q: Abe you have been a witness in a good many citizenship cases ain't you? A: Yes, I have been a witness for some.
- Q: You have been asked whether you remember the circumstance of the land office opening, and questions like that ain't you? When the land office opened, you have been asked that question in these citizenship cases ain't you? A: Well I don't know.
- Q: Do you remember when you came into the land office this first time to file for yourself and wife? A: Yes sir.
- Q: Was that before or after this woman died at your house?
- A: Afterwards.
- Q: What was after Kate died? A: Yes sir.
- Q: Are you sure of that? A: Yes sir.
- Q: You are sure it was in June? A: It was in June.
- Q: You positively swear you came in to file for yourself and wife after Katie died at your house? A: Yes sir.
- Q: Was it a year after she died? A: I think it was, I am not certain but I think it was a year.
- Q: You think it was a year afterwards? A: Yes sir.
- Q: You can positively state and swear you filed for yourself and wife after she died? A: Yes sir, she died in June.

It appears from the records of this office that citizenship certificates were issued to Witness, Abe Prince and his wife Nellie, April 6, 1899)

Questions by O. T. Gilbertson, attorney for applicant:

- Q: Where did they bring Katie Alexander Smith from when they brought her to your place? A: From Bull Creek from below Jim Samuels, at Andy Smith's place.
- Q: Who brought her up to your place? A: Jim Samuel.
- Q: How long did she stay there with you? A: Why let's see, she stayed with me over a month.
- Q: She stayed with you more than a month? A: Yes sir.
- Q: What makes you think she stayed with you more than a month? A: Why, I think she did I think she stayed with us that long, she had been with us a long time.
- Q: What time of the year did they bring her up to your place? A: It must have been corn up, there along about, I didn't take any particular notice but I think she had been there over a month.
- Q: Well what time of the year was it, during the spring or summer? A: It was during the spring.
- Q: What time in the Spring? A: I couldn't tell you what day in the spring.
- Q: Was it early in the spring or late in the spring? A: It was early in the spring.
- Q: What were the farmers doing? A: They were plowing.
- Q: What kind of plowing were they doing? A: Plowing corn. I saw the corn up at that time too. Some people the corn was away up.
- Q: That was the time Katie Alexander was brought to your house, that is the time you have reference to, is it not? A: Yes sir.
- Q: How big was the corn when she died? A: The corn had been laid by then.
- Q: You had laid by your corn when she died had you? A: Yes sir.
- Q: You remember that distinctly, do you? A: Yes sir.
- Q: What were you doing at the time you filed down here? A: What work were you doing then? A: I was fixing to gut the hay, I hadn't cut the hay yet when I filed over here I went and cut the hay at that time.
- Q: What time of the year did you cut hay? A: Oh we cut hay sometimes in July or August.
- Q: The record here shows that you filed the 6th. of April. A: Well I reckon I did, I don't know when I filed, I can't tell you what day and how I filed but I knew I filed here in April, but whether it was the 5th or the 6th or the 7th or 8th, I don't know.
- Q: Were you cutting in the field that was mowed or did you go to cut some out of the stack? What kind of hay did you go to cut, some that had been stacked all winter?
- Q: When I filed, I was going to cut hay when I went back home.
- Q: Do you cut hay as early as the first of April? A: No sir.
- Q: Then you must be mistaken as to the cutting of the hay.
- A: I didn't cut hay then, but when I got back home it was my idea re cut hay.
- Q: How long did you stay down here? A: I don't know how many days, I did stay down here.
- Q: Did you stay more than a week? A: No sir, I don't think I did.
- Q: Who came here with you when you came here to file? A: Me and Sam McKelley and John Muller.
- Q: Did anybody else come with you? A: No sir.
- Q: Who did you leave at home when you came to file?

- A: My old woman and this woman.
- Q: What woman? A: No, I didn't either, I left my old lady and the boys at home.
- Q: How many boys did you have? A: Two.
- Q: When did you file for the boys? A: They filed for themselves.
- Q: Who was at your home at the time you came back? A: Nobody but those I left there.
- Q: Had this Kate Alexander been brought to your place before that? A: Yes sir, before that.
- Q: She was brought to your place before? A: Before I came down to file, yes sir.
- Q: How long before that? A: I don't know I couldn't tell you how long, I didn't pay any particular notice to know how long, I couldn't tell you exactly.
- Q: Was it 6 months before she was brought there or 4 months or 5 months? A: No, I don't think it was.
- Q: What were the farmers doing at the time she was brought there? A: They were working.
- Q: Doing what kind of work? A: Plowing.
- Q: There are different ways of plowing? A: Plowing corn.
- Q: She was brought to you place before you came down here to file? A: Yes sir.
- Q: Is it possible that you might be mistaken and that she died before you filed? A: That was before I filed.
- Q: Is it possible that you might be mistaken? Isn't it possible that she might have died before you filed?
- A: I came down here to file, and I left her home that is it.

Questions by Commissioner:

- Q: Now Abe didn't you swear positively a minute ago that you knew and you positively swore that this woman was not living when you came to file? You swore that didn't you?
- A: Yes sir.
- Q: Do you want to go back on that now? A: No, I won't go back on what I said.
- Q: You swore positively a while ago that this woman Kate had died at your house and that she died in June and that she died before you came to file? A: Yes sir.
- Q: You testified a minute ago when asked by attorney, that she was at the house when you came to file, what do you mean by that? A: I have no reason present, and I don't know anything about cross questions, I want to do the things right.
- Q: That is what you want to do, you are under oath-- Go ahead and tell us. A: Just the way I said today the first time, just that way.
- Q: You made a mistake when you told this lawyer that this woman was at your house when you went back from filing?
- A: Yes, she died before that.
- Q: You are sure of that? A: Yes sir, I want to state the truth, I don't want to get into any trouble.
- Q: As a matter of fact, this woman Kate that died at your house was dead when you came to file? A: Yes sir.
- Q: When you told this man she was at your house when you got back from filing you were mistaken, wasn't you?
- A: Yes sir.

(Mr. J. G. Libber, representing M.L. Mett, attorney for Creek Nation, present at this time)

- Q: Now Uncle Abe who came down here with you when you filed?
A: John Muller and Sam McKellop.
Q: That is what you told us yesterday, isn't it? A: Yes sir.
Q: Didn't you tell us yesterday that this girl Katie Alexander was living-----

Counsel interrupted by Commissioner)
What witness might have told Attorney yesterday is not proper examination)

- Q: Didn't you state yesterday to Mr. Martin in Muskogee and yesterday up in my office that this woman was alive at the time you filed? A: I did, but I made a mistake.
Q: Are you positive you haven't made a mistake here today?
A: Yes, I am positive I made a mistake in telling Mr. Martin that yesterday.
Q: Don't you think you made a mistake today? A: No sir, I don't think I made any mistake at all today.
Q: Did she come to your place in the Spring? A: She didn't go to her father's she was unable to go any place.
Q: When did they bring her to your place? A: I don't remember in what month.
Q: Was it Spring when they brought her to your place?
A: Yes sir, it was bound to be in spring.
Q: It was before you filed? Answer yes or no? A: Yes, it was before I filed that they bring her there.
Q: How long did she stay there? A: I couldn't tell you how long but she stayed there a good while.
Q: She stayed as long as 4 months did she? A: I couldn't tell you.
Q: Or longer than that? A: I didn't keep any months or years on that.
Q: What do you call a long time? A: A year is a pretty good long time.
Q: Was she there a year? A: I didn't say she was there a year.
Q: Was she there as much as 6 months? A: I don't know.
Q: What time of the year did she die? A: She died in the spring.
Q: What time of the spring? A: In June.
Q: She died in Spring you say? A: June is a spring month ain't it?
Q: How long before you filed? A: I came right straight off and filed.
Q: When? A: Right after she died.
Q: You are positive of that? A: That is as far as my recollection goes.
Q: Do you know that you came right here and filed after she died? A: Yes sir.
Q: And she died in June? A: Yes sir.
Q: What month are you living in, what month is this?
A: This is August.
Q: What month did we just have? What was last month called?
A: July.
Q: What was the month before that? A: I don't exactly remember it right so I will answer as good as I remember.
Q: I am not trying to catch you? A: I see you ain't I can't

keep the months like you and therefore you must give me a little show.

- Q: What month is before July? A: June.
- Q: That was the month in which she died? A: Yes sir.
- Q: What is the month before June? A: May.
- Q: What month before May? A: April.
- Q: And you came in here and filed right after the funeral did you? A: Not right afterwards.
- Q: Just a few days afterwards? A: I couldn't tell you how many days.
- Q: You came up here and testified that you filed right after she died? A: I didn't keep any account.
- Q: What do you mean by saying you came in to file right after she died? A: I mean not so very long after she died, but I didn't keep any days on it.
- Q: How many months was it? A: I don't know, I couldn't tell you. What I don't know, I don't know.
- Q: You came down here all right after she died to file didn't you? A: Not right after she died, I came after she was dead.
- Q: Wasn't that what you testified to, are you going back on it? Yes or no?
- A: Well I have gone over that a dozen times, I can't say any more than what I done said.
- Q: You must be mistaken about everything you have said are you not? A: No sir.
- Q: Your memory isn't very good is it? A: No sir, not very good. I am old and forgetful, my remembrance isn't very fresh.
- Q: What were you doing when you came down here to file?
- A: I don't remember what I was doing.
- Q: Didn't you say you were plowing a while ago? A: I said I was plowing, I said I was through plowing my corn. The corn had tasseled out, had it now?
- A: I didn't testify anything about that, you asked me about that but I didn't testify anything about that.
- Q: Didn't you have roast-on-ears at that time? A: No sir.
- Q: Didn't anybody else in that neighborhood have roast-on-ears at the time you came to file? A: I guess they did.
- Q: How do you know? A: Well, I don't know, that is the reason I say I guess so.
- Q: What makes you think so? A: Some developes earlier than others, we get some planted in March and have early roast on ears, but I didn't.
- Q: But some people had roast-on-ears at that time?
- A: I didn't say I seen any but some people does have it, I didn't say I seen any.
- Q: That is the time you came to file? A: Yes sir.
- Q: Did you come in here to file in April? A: Yes sir, I came to file in April, I came in to file in April and in June people have roast-on-ears that is what I mean to say but I made a mistake in talking.
- Q: Is that the time you came to file? A: No sir, I didn't come down here to file then. In June is the time when the woman was dead, that is the time I am talking about the roast-on-ears.

- Q: They didn't have roast-on-ears when you came to file, did they? A: They couldn't have, it was too early.
- Q: Well now how long? I don't want to get you cornered up Uncle Abe but how long was it after this girl died until you came to file? A: I can't tell you anything about it, I didn't take any particular notice. I said I didn't know and I don't.
- Q: Now Abe you answered that you came down here to file, right after she died, didn't you answer that?
- A: I may have but you see I didn't. I didn't come down when she was dead, I came down after she was dead.
- Q: Right after she died? A: I don't know how long.
- Q: How long after she died? A: I don't know anything about it.
- Q: Was it a month? A: I couldn't tell you anything about it. My memory ain't quite like yours, I am an old man.
- Q: But you seem to remember well that some people had roast-on-ears at the time she died? And yet you don't remember how long it was before she died after you came in here to file? A: No sir, I don't.
- Q: You don't remember how long she had been dead when you came in here to file? A: No sir, I don't.
- Q: How long did she stay at your house? A: I don't know, I couldn't tell you exactly.
- Q: You testified a while ago that she stayed there about a month? A: I said may be a month or may be better than a month, that is what I said the first time.
- Q: Now you testified a while ago that she died about 4 months not over 4 months before you filed, is that right?
- A: No sir that ain't right.

Commissioner states that the record will not state that fact and that attorney is misquoting the witness)

- Q: How long was it before you came down here to file after she died? A: I don't know, I never kept any record.
- Q: How do you know it was 4 months.
- A: I never said anything about 4 months that I can recollect. You asked me how long and I told you maybe a month or over a month, I couldn't tell you, I wasn't positive of nothing.
- Q: Didn't I ask you if it wasn't more than 4 months and you said no? The record will show that, are you going to stand by that? A: Stand by what?
- Q: I asked you is it was not more than 4 months and you said No. A: Well, I don't know.
- Q: You don't know whether it is 2 years or 3 years do you?
- A: I stated the first time that I didn't know how long, and I say yet I don't know how long, I don't know. I never took any particular notice, I just thought the woman was dead and I didn't think it was coming up, I had other things to study about.
- Q: What makes you think she died in June? A: They all said she died in June and I said she died in June.
- Q: That is the reason you say it, is it?
- A: I know she died in June.
- Q: You are positive of that? A: Yes, she died in June.
- Q: Do you remember what the people were doing along about the time she died? A: No, I couldn't remember, they were doing everything. They was doing everything, some were doing this work and some were doing that work.

- Q: Did you pick any cotton after she died? A: A long time after I came down here and filed and went back I picked cotton.
- Q: Did you pick any cotton after she died and before you filed? A: No sir.
- Q: Did you pick any corn after she died and before you filed? A: If I was gathering any corn, do you mean? No sir. Yes I gathered corn away after she died in the fall I did.
- Q: You don't understand my question; did you pick any corn aft after she died before you filed? A: I can't understand you
- Q: Between the time of her death and the time you came to file did you pull any corn? A: No sir, I didn't pull any corn.
- Q: Did anybody else? A: No sir, not as I know of.
- Q: Was it cotton picking time between the time she died and between the time you filed, did you sell any cotton? A: No sir.
- Q: Did you raise any cotton and corn? A: Yes sir.
- Q: Did you raise any that year? A: Yes, I raise it every year.

Questions by J. G. Lieber, representing M. L. Mott, attorney for Creek Nation.

- Q: Abe you say that she died in June? A: Yes sir.
- Q: She died before you came here to file? A: Yes sir.
- Q: Did you come here to file in April? A: Yes sir.
- Q: Now if you didn't pick any cotton or gather any corn between the time she died and between the time you filed, how do you figure it out that she died in June? A: I didn't pick any cotton.
- Q: You told this gentleman that you hadn't picked any cotton b between the time she died and the time you filed? A: I picked cotton a way after I filed. And I gathered corn away after I filed, that was in the fall way afterwards.
- Q: How do you figure it that she died in June before you filed in April unless you also say that there was a winter between the date of her death and the date when you filed?

Attorney for applicant objects because the question is leading.

- A: I told everything I know about it.
- Q: Does the fall of the year, Abe, come before of after June? A: It comes after June.
- Q: Well then how do you figure that there wasn't a winter between the time of this woman's death and the time when you filed? If you say you didn't gather any corn or pick any cotton between those two dates?
- A: I say I didn't, because I didn't. I didn't do it. It wasn't time to pick cotton. There is a time to pick cotton and a time to gather corn.
- Q: Well did you pick any cotton or lay by any corn, gather any corn in the field before you filed?
- A: Did I gather any corn or pick any cotton? Yes, I did the fall before I filed.
- Q: Did this party die the June before that or after that? A: The June after that. After that time you are asking me.
- Q: After the fall before you filed in April she died, did she?

Attorney for applicant objects because the question is leading.

- Q: Did she die after the fall before you filed in April?
A: I couldn't tell you exactly. As far I can remember I can tell you but where I can't remember I won't try to tell you.
Q: How do you know she died in June then? A: I know it was the month of June when she died.
Q: You are positive she died before you filed? A: Yes sir.
Q: Do you remember when you first enrolled before the Dawes Commission? A: Yes sir.
Q: Where was it? A: Way out here by Lee.
Q: Was this woman living or dead at the time you first enrolled?
A: No sir, she was living, she was well and hearty.
Q: You are positive of that are you? A: Yes sir.
Q: How do you happen to remember that she was living at that time? A: I know it because I always went down to her Uncle Jim Samuels, and seen her there, she wasn't married then, she married after that.

Questions by Commissioner:

- Q: Now Abe this woman died at your house, did she?
A: Yes sir.
Q: She wasn't buried from your house, was she? A: No sir. She was buried down on Bull Creek at a big burial ground down there.
Q: How was she taken down there? A: In a wagon.
Q: Who took her? A: This same Uncle Jimmy brought his wagon there.
Q: Jim Samuels? A: Yes sir.
Q: And took her from your house to his house, did he?
A: No sir, to the grave-yard, he didn't carry her to his house at all.
Q: Are you sure of that? A: Yes sir.
Q: Who bought the coffin, do you know? A: Andy Smith told me he bought the coffin.
Q: When did he tell you that? A: When he first came with the coffin he came to my house with the coffin in the wagon and I asked where he got it and he said at Muskogee.
Q: Do you know who he got it from? A: No sir.
Q: Did it look like he bought it in a store or that somebody made it for him? A: It looked like a store coffin.
Q: Did they have a funeral service? A: Yes sir, old man Ely, if I ain't mistaken, old man Ely preached and talked about the death of the woman at the burial ground.
Q: Was there any preaching at the house? A: Yes sir, preaching and singing too. They had a big setting up there.
Q: At your house? A: Yes sir, about 50 persons were there.
Q: You say they went from your house to the grave-yard?
A: Yes sir.
Q: How long did they bury her after she died? A: If I am not mistaken I think it was the next day after she died.
Q: Do you know whether there is any record of it in the burying ground or church or any place else? A: Not as I know of.
Q: He didn't tell you the name of the store did he?
A: No sir, I didn't ask him in particular, he said he got it in Muskogee.
Q: There is one thing you do remember, the time of your coming to file? A: Yes sir.

- Q: No matter how much you might be mistaken about some things you remember of coming to file for yourself and wife, don't you? A: Yes sir.
- Q: You swore positively that this woman had died and was was buried before that time? A: Yes sir.
- Q: You are sure of that? A: Yes sir.
- Q: When once you answered this attorney that she wasn't dead as you stated in your examination you were mistaken then?
- A: Yes sir.

(Objection by attorney for applicant, because the question is leading.)

This is all the evidence that was taken at this time.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval.

Subscribed and sworn to before
me this 23 day of August, 1906.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Smith, deceased, as a Creek Freedman.

D E C I S I O N .

The record in this case shows that on August 30, 1904, William Alexander executed, before a Notary Public, what purported to be an application for the enrollment of Kate Alexander, deceased, as a Creek Freedman, and presented the same to the Commission to the Five Civilized Tribes; and that on September 1, 1904, said Commission addressed a communication to the said William Alexander returning said purported application with information to the effect that such a document was not at that time sufficient to be considered an application to said Commission for enrollment as a citizen of the Creek Nation.

The record further shows that on August 9, 1906, a proceeding was had in the matter of an application for the enrollment of Katie Smith, nee Alexander, deceased, as a Creek Freedman, at which time the aforesaid purported application was presented and made a part of the record, and at which time it was shown that Katie Alexander and Katie Smith, nee Alexander, is one and the same person. In view of the fact that said purported application was presented to said Commission on or before September 1, 1904, and same is herein considered an original application for the enrollment of Katie Smith, as a Creek Freedman.

It appears from the evidence and the records of the Commission that the name of said Katie Smith, deceased, is identified upon the 1890 authenticated Creek tribal roll as "Catherine Alexander", and upon the 1895 Omitted pay roll of said Nation as "Katie Alexander."

The evidence in this case is very conflicting as to the date of the death of said Katie Smith. The testimony of William Alexander, the father of said Katie Smith, shows him to be a man ignorant of dates. The application or affidavit made by him on August 30, 1904, states that said Katie Smith died in June 1899, but he testifies that he does not know, nor did he at the time he executed said affidavit, know the year she died. He further testifies that she died after the Land Office opened.

Andy Smith testifies that he was the husband of the person for whom application is made herein; that they lived together until her death about three years after their marriage, and that he does not know the date of her death. He further testifies that he appeared before the Commission to have himself and children enrolled, and that he made the selection of his allotment, and that he does not know whether

said Katie Smith was living on said dates, or either of them. The records of the Commissioner show that said Andy Smith and two of his children were listed for enrollment in September 1898, and that citizenship certificate was issued to him for himself May 11, 1899, but it does not appear that application was made on either of said dates for the enrollment of said Katie Smith, as a Creek Freedman. It would be reasonable to presume that if said Katie Smith had been living on either of said dates application would have been made for her enrollment and this circumstance in this case should be taken into consideration.

The testimony of Nellie Smith shows that she is the wife of Andy Smith, who was the husband of said Katie Smith, deceased. She states that said Katie Smith had been dead about a year and a half or two years before she (Nellie Smith) and said Andy Smith were married. Their marriage license and certificate, which is a part of this record, shows the same to have been issued December 28, 1899, and that they were married January 3, 1900. She further testifies that one of her children born March 21, 1897, was about two years old at the time said Katie Smith died.

James Samuels testifies that said Katie Smith died previous to the date of the death of his child, Edna Samuels. It appears from the records of the Commissioner that evidence has heretofore been submitted tending to show that said Edna Samuels died in March 1899.

The testimony of Abe Smith is of considerable length. He contradicts himself a great number of times and on several points, but is positive that said Katie Smith died before he filed. The records of this office show that on April 6, 1899, citizenship certificate was issued to him to make his selection of allotment.

The testimony of witnesses, John Barnwell, and Gracie Marshall, tends to show that said Katie Smith was alive in June, 1899. However, it appearing from the records of the Commissioner that said John Barnwell has testified in a very great number of applications for enrollment, and it appearing that his memory of the matters and things to which he has testified with reference to said Katie Smith, which are not shown to have been of any consequence to him at that time, not being in accordance with his recollection of events in which he is shown to have been interested at said time, and it appearing that said Gracie Marshall is a very ignorant person, this evidence can be given but little weight.

The preponderance of the evidence, then, in this case, establishes the fact that said Katie Smith died prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Katie Smith, deceased, as a Creek Freedman, and the application for her enrollment as such is accordingly denied.

Muskegee, Indian Territory,

Commissioner.

JAN 29 1907

CERTIFICATE OF RECORD.

United States of America, } ss.
INDIAN TERRITORY,
Northern District.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 5 day of Jan 1900, at M., and duly recorded in Book Marriage Record, Page 36.

WITNESS my hand and seal of said Court at Muskogee, in said Territory

this 6 day of Jan A.D. 1900
Clerk.

By Deputy.

MARRIAGE LICENSE FILED

JAN 5 1900



United States of America, } ss.
INDIAN TERRITORY,
Northern District.

No. 177

To Any Person Authorized by Law to Solemnize Marriage---Greeting :

You are Hereby Commanded to Solemnize the Rite and publish the
Banns of Matrimony between Mr. Andrew Smith
of Clarksville, in the Indian Territory, aged 57 years, and
Mrs Nellie Robinson of Clarksville, in the
Indian Territory, aged 35 years, according to law, and do you officially sign and return this
License to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 28 day of
Dec'r, A. D. 1899

W. J. Young Deputy.
J. J. Johnston Clerk of the U. S. Court.

CERTIFICATE OF MARRIAGE



United States of America, } ss.
INDIAN TERRITORY,
Northern District.

I, J. B. Howard, a Minister of the Gospel,
DO HEREBY CERTIFY, that on the 3 day of Jan, A. D. 1899
I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish
the Banns of Matrimony between the parties therein named.

WITNESS my hand this 3 day of Jan, A. D. 1899

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,
Book B, Page 104 J. B. Howard
A Minister of the Gospel.

COMMISSIONER TO FIVE TRIBES.			
No.	Received	AN OFFERED	
11821	MAR 31 1906	Bank	Page

Department of the Interior,
MAR 26 1906
No. 3485
Indian Territory Division.

4-5-06.

Department of the Interior,
..... Mar 28, 1906...
Respectfully referred to the
Commissioner to the Five Civil-
ized Tribes for consideration
and appropriate action.

Hooley
First Assistant Secretary.

Alexander, William,
Weleetka, I.T.,
Creek Nation,
March 23, 1906.

Asks if deceased daughter,
Katy Alexander, is
entitled to an allotment.

CREEK INDIAN NATION.

Mustoge, N. J.
March 23, 1906

To the Hon Secretary of
the Interior
Washington
D.C.

Sir
Please to inform me
whether or not I can get
a claim for my daughter
who is now blind she died
before she filed she is on
the Roll and drew her
Money & payment her name
is Katy Alexander -
her Mother's name is Rose
Stitham she is on the
Lump Roll and she is
dead also

Let me hear from
you please
Yours Truly -

William Alexander
P.O. Heekster
L. J.

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 30, 1906.

R. J. Dickson,

Wleetka, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of June 21, 1906, in which you state "that you have been requested by William Alexander to ascertain the status of his daughter Katie Alexander, who died in June, 1899. That said daughter drew the Twenty-six (26) Dollar and Fourteen (14) Dollar payments, and that application was made for her enrollment in September 1899, and early in 1904 as a Creek citizen."

You ask to be advised if a hearing can be given in this case on the presentation of the foregoing statement of facts; you are advised that it does not appear from the records of this office, that any application has ever been made for the enrollment of said Katie Alexander, and that said parties will be permitted to appear at this office to testify in the matter of an alleged application for the enrollment of said Katie Alexander, deceased.

Respectfully,

Commissioner.

Cr.En.1061.

Muskogee, Indian Territory, February 2, 1907.

William Alexander,

Woleetha, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Katie Smith, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Register.

Commissioner.

W-4.

CyM1061.

Muskogee, Indian Territory, February 2, 1907.

O. T. Gilbertson,

Attorney for Katie Smith,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Katie Smith, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

HK-5.

Gr. No. 1061.

Muskogee, Indian Territory, February 2, 1907.

H. L. Nett.

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Katie Smith, deceased, as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

HK-6.

Commissioner.

Gr. En. 1061.

Muskogee, Indian Territory, February 2, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Katie Smith, deceased, as a Creek Freedman, including the decision of the Commissioner, dated January 29, 1907.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

ME-7.

Refer in reply to the following
Land 11732-1907

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON, March 1, 1907

COPY

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Katie Smith, deceased, as a Creek freedman, including the decision of Commissioner Bixby, dated January 29, 1907, adverse to the applicant.

The decision of the Commissioner has been examined and found to be correct and its approval is recommended

Very respectfully,

G. F. Larrabee

Acting Commissioner

JPB LC

DEPARTMENT OF THE INTERIOR

WASHINGTON.

JP
RM

7236

March 4, 1907.

I. S. D. 6940, 6130, 7262, 7282, -1907
7298, 7310, 7324, 7334, 7342, 7366,
7396, 7398, 7400, 7402, 7406, 7416,
7430, 7432, 7436, 7438, 7458, 7460,
LMS 7462, 7486, 7492, 7606, 7608, 7636,
7690, 7702, 7704, 7712, 7720, 7736-1907.

DIRECT.

Commaled over to the Five Civilized tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed. Copies of Indian
Office letters submitting your reports and recommending that the
decisions be affirmed are inclosed.

Title of Case.

Date of your
letter of transmittal.

Title of Case.	Date of your letter of transmittal.
Revis	
Annie et al., (freedman)	February 5, 1907
Martha Henika Davidson,	February 9, 1907
William Perryman,	February 12, 1907
Isabel Niece,	February 16, 1907
Kissie, (deceased)	February 16, 1907
Mary Perryman, deceased,	February 16, 1907
James Larney (deceased)	February 20, 1907
Gemetta and Isabelle Hattie, (freedman)	February 20, 1907
Snake	February 20, 1907
James P. Pendleton, deceased,	February 21, 1907
Lilly Valentine, et al., (freedman)	February 20, 1907
Frank Jackson, deceased (freedman)	February 19, 1907
Rose Blanton (freedman)	February 20, 1907
Lola Love (freedman)	February 18, 1907
Bora Lee and Savannah G. Battle, (freedman)	February 19, 1907
James Deere, et al.,	February 2, 1907
Charley Kernell,	February 2, 1907
Willard Smith, (freedman)	February 12, 1907
Lila Jefferson (freedman)	February 14, 1907
Bertha Anderson (freedman)	February 16, 1907
Katie Smith deceased (freedman)	February 2, 1907

Lucy Grayson deceased,	February 23, 1907
Mullison Haynie,	February 23, 1907
Leah Thompson, deceased,	February 23, 1907
Hellie Graham (freedman)	February 20, 1907
Milochae (or Nellie Ned)	February 23, 1907
William Bennett (freedman)	February 19, 1907
George V Bird, deceased,	February 2, 1907
Joseph M. Wheeler Coachman, deceased,	February 20, 1907
Charles Galen Dymond,	February 23, 1907
William and Lisa Parker,	February 25, 1907
Richard Hawkins, (freedman)	February 25, 1907
Wyley Steele, deceased,	February 25, 1907
Jemie Richards deceased, (freedman	February 25, 1907
William Mammel, alias Wm. McGilbra, (Freedman)	February 14, 1907.

A copy hereof and all papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

35 inc. and 70 for
Ind. Of. with
copy hereof.

Gr. No. 1061

Muskogee, Indian Territory, March 18, 1907.

William Alexander,

Welchka, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 6, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 29, 1907, denying the application for the enrollment of Katie Smith, deceased, as a Creek Freedman.

Respectfully,

Commissioner.

XBM

Cr. No. 1061.

Muskogee, Indian Territory, March 16, 1907

O. T. Gilbertson,

Attorney for Katie Smith,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 14, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 29, 1907, denying the application for the enrollment of Katie Smith, deceased, as a Creek Freedman.

Respectfully,

Commissioner.

JBM

CR EN 1062

CR EN 1062

Creek Encolment No. 1062

N.B.C. (4/16/66) # 344

John Wesley Wilson.

Hubbard Wilson.

Howard Wilson.

Zana Wilson.

Stephen Wilson.

N.B.C. # 344

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Wesley Wilson, Hubbard Wilson, Howard Wilson, Zana Wilson and Stephen Wilson, as citizens by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on March 31, 1905 application was made, in affidavit form, for the enrollment of Stephen Wilson, as a citizen by blood of the Creek Nation, under the provisions of the act of Congress approved March 3, 1905, (33 Stats. L. 1048).

The record further shows that on June 21, 1906, application was made, in affidavit form, for the enrollment of John Wesley Wilson, Hubbard Wilson, Howard Wilson, Zana Wilson and Stephen Wilson, as citizens by blood of the Creek Nation under the provisions of the act of Congress approved April 26, 1906, (34 Stats L. 137). Supplemental affidavits were filed July 2, 1906.

The record in this case shows that said John Wesley Wilson, Hubbard Wilson, Howard Wilson, Zana Wilson and Stephen Wilson, are the minor children of Mary E. Wilson, whose name appears upon a schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior, June 16, 1906 opposite number 10083.

The evidence further shows that all of said minor children were born prior to March 4, 1906 and were living on said date.

It is, therefore, ordered and adjudged that said John Wesley Wilson, Hubbard Wilson, Howard Wilson, Zana Wilson and Stephen Wilson are entitled to be enrolled as citizens by blood of the Creek Nation, under the provisions of the act of Congress approved April 26, 1906, (34 Stats. L. 137) and the application for their enrollment as such is accordingly granted.

Muskogee, Indian Territory.


COMMISSIONER.

FEB 7- 1907

CR EN 1063

CR EN 1063

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., June 6, 1906.

In the matter of the application for the enrollment of Richard E., Henry O., Tabbie, Prebble, Valley and Urceil Winn as citizens by blood of the Creek Nation.

GENEVA ATKINS WINN, being duly sworn, testified as follows:

BY THE COMMISSIONER;

- Q What is your name? A Geneva Atkins Winn.
Q How old are you? A Thirty-one.
Q What is your post office address? A Okmulgee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Cheyaha.
Q Have you some children you desire to make application for? A Yes, sir, I have six.
Q What are their names? A Richard E., Henry O., Tabbie, Prebble, Valley and E Urceil Winn.
Q When was Richard E. Winn born? A October 14, 1894.
Q Is he living? A Yes, sir.
Q When was Henry O. Winn born? A March 22, 1896.
Q Is he living? A Yes, sir.
Q When was Tabbie born? A March 13, 1898.
Q Is she living? A Yes, sir.
Q When was Prebble Winn born? A December 13, 1899.
Q Is that a boy or girl? A Girl.
Q Is she living? A Yes, sir.
Q When was Valley Winn born? A March 14, 1902.
Q Is she living? A Yes, sir.
Q When was Urceil born? A April 14, 1905.
Q That a boy or girl? A Girl.
Q She living? A Yes, sir.
Q Who is the father of these children? A Oscar Winn.
Q Is he a citizen of the Creek Nation? A He is a United States citizen.
Q Are you enrolled as a citizen of the Creek Nation? A Yes, sir.
Q Have you selected your allotment? A No, sir.
Q Why not? A The clerk told me that when I got ready to file he would notify me.
Q Your application for citizenship in the Creek Nation is pending then is it? A Yes, sir.

Witness presents a letter from the Commissioner to the Five Civilized Tribes, dated January 6, 1906, advising her that under date of December 29, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes enrolling her as a citizen by blood of the Creek Nation.

- Q Who is your father? A Richard Atkins.
Q Is he a citizen of the Creek Nation? A Yes, sir.
Q Is he living? A No, sir.
Q Who is your mother? A Sarah Atkins.
Q Is she a citizen of the Creek Nation? A No, sir.
Q Are you lawfully married to Oscar Winn? A Yes, sir.
Q Did you make application for any of your children when you made application for yourself? A No, sir. They said I would have to make application for them after I had gained my citizenship.
Q You didn't name these children in your application? A No, sir.
Well, I did ask them about it but they never did take their names.

Q Who attended on you at the birth of Richard M. Winn? A Dr.

Brachett, who is now dead, was in attendance at the births of Richard M., Henry O., Tabbie and Prebble.

Q Who attended on you at the birth of Valley? A Margaret Parks, of Wagoner.

Q Who attended on you at the birth of Urcell? A Silvia Tomlin.

Q Where does she live? A About seven miles from Okmulgee.

Witness is advised that this office requires the affidavits of the mid-wives in attendance at the births of Valley and Urcell Winn, and the joint affidavits of two disinterested witnesses, in each case, as to the births of Richard M., Henry O., Tabbie and Prebble Winn.

---000000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 6th day of June, 1906.

Notary Public.

L.K.P. 1

Cr. En. 1063.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Richard E., Henry O., Tabbie, Prebble, Valley and Urceil Winn as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on June 6, 1906, Geneva Atkins Winn appeared before the Commissioner to the Five Civilized Tribes at Okmulgee, Indian Territory, and made application for the enrollment of her minor children, Richard E., Henry O., Tabbie, Prebble, Valley and Urceil Winn as citizens by blood of the Creek Nation. On the same day she filed affidavits by herself as to the dates of birth of all the minor applicants herein. Thereafter, and on June 8, 1906, there was filed in this office the affidavit of Sylvia Tomlin, as mid-wife, as to the date of the birth of Urceil Winn. Thereafter, and on June 11, 1906, there were filed the affidavits of two disinterested witnesses as to the dates of birth of Richard E., Henry O., Tabbie and Prebble Winn. Thereafter, and on July 5, 1906, there was filed the affidavit of Margaret Parks, mid-wife, as to the date of the birth of Valley Winn.

The evidence in this case shows that all of the minor applicants are the children of Geneva Atkins Winn, whose name appears upon the partial roll of Creek citizens by blood, approved by the Secretary of the Interior on June 16, 1906, opposite number 10084 thereof, and of Oscar Winn, a United States citizen.

The evidence further shows that the applicant, Richard E. Winn, was born October 14, 1894; that the applicant, Henry O. Winn, was born March 22, 1896; that the applicant, Tabbie Winn, was born March 13, 1898; that the applicant, Prebble Winn, was born December 13, 1899; that the applicant, Valley Winn, was born March 14, 1902; that the applicant, Urceil Winn, was born April 14, 1904, and that all of said applicants were living on March 4, 1906.

It is, therefore, ordered and adjudged that the said Richard E. Winn, Henry O. Winn, Tabbie Winn, Prebble Winn, Valley Winn and Urceil Winn are entitled to be enrolled as citizens by blood of the Creek Nation, in accordance with the Act of Congress approved April 26, 1906 (34 Stats., 137), and the application for their enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,

JAN 2 1907

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 28, 1900.

Valley Winn

as a citizen of

Chick

Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1904.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chick Nation,
of Valley, Wynn, born on the 14 day of March, 1902
(Here insert name of child)
Name of Father: Oscar Wynn, a citizen of the U. S. Nation.
Name of Mother: Geneva Atkins Wynn (b. 1871), a citizen of the Chick Nation.
Tribal enrollment of father: Cherokee Tribal enrollment of mother: Cherokee
Postoffice: Okmulgee Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Mustang District.

I, Geneva Atkins Wynn, on oath state that I am 34 years of age and a citizen of the Cherokee Nation; that I am the lawful wife of Oscar Wynn, who is a citizen, by Marriage of the Cherokee Nation; that a female child was born to me on 14 day of March, 1902; that said child has been named Valley Wynn, and was living March 4, 1906.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 3d day of July, 1906.

Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Mustang District.

Margaret Parks, a midwife, on oath state that I attended Geneva Atkins Wynn, wife of Oscar Wynn, on the 14 day of March, 1902; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Valley Wynn.

Margaret Parks

[Must be Two Witnesses]

Subscribed and sworn to before me this 3d day of July, 1906.

Harshel B. Hamilton

Notary Public

my commission expires April 5 1910

NEW BORN

350-3-10084

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 23, 1906.

Valley View

as a citizen of

Chick

Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.

FILED

JUN 6 1906

com'r

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1904.

IN HIS APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,I, Wally Winn, born on the 14 day of March, 1902,
(Here insert name of child)Name of Father: Oscar Winn, a citizen of the U. S. Nation.Name of Mother: Geneva Atkins Winn, a citizen of the Creek Nation.Tribal enrollment of father: Cherokee Tribal enrollment of mother: CherokeePostoffice: Chandler Indian Territory

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, Indian Territory,

Nowata District. } Chief presentI, Geneva Atkins Winn, on oath state that I am 30years of age and a citizen by birth of the Creek Nation;that I am the lawful wife of Oscar Winn, who is a citizen, U. S.of the United States Nation; that a female child was
(Male or Female)born to me on 14 day of March, 1902; that said child has been namedWally Winn and was living March 4, 1904.Geneva Atkins Winn

WITNESSES TO MARK:

[Must be Two
Witnesses]Subscribed and sworn to before me this 6 day of June, 1904.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE

UNITED STATES OF AMERICA, Indian Territory,

District.

I, Geneva Atkins Winn, on oath state that Iattended on Wally Winn wife of Oscar Winnon the 14 day of March, 1902; that there was born to her on said day a female child;
(Male or Female)that said child was living March 4, 1904, and is said to have been named Wally Winn

WITNESSES TO MARK:

[Must be Two
Witnesses]Subscribed and sworn to before me this 6 day of June, 1904.

Notary Public.

NEW BORN

350-

100

IN RE

Application for Enrollment of

MINOR CHILD ✓

Act of Congress Approved

April 28, 1906.

Pebble Winn,

as a citizen of

Chuk.

Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.

FILED

JUN 6 1906

Comer

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1904.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chick Nation,
of Prettle Winn born on the 13 day of December 1899.
(Here insert name of child)
Name of Father: Oscar Winn a citizen of the U. S. Nation.
Name of Mother: Geneva Atkins Winn (An 12) a citizen of the Chick Nation.
Tribal enrollment of father Chick Tribal enrollment of mother Chick
Postoffice Okmulgee Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

I, Geneva Atkins Winn, on oath state that I am 31 years of age and a citizen by Chick of the Chick Nation;
that I am the lawful wife of Oscar Winn, who is a citizen, U. S.
of the United States Nation; that a female child was
born to me on 13 day of December 1899; that said child has been named
Prettle Winn, and was living March 4, 1904.

Genevieve Atkins Winn

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 6 day of June 1904.

Alfred May
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

..... District.

I,, on oath state that I
attended on wife of
on the day of 1904; that there was born to her on said date a
child; that said child was living March 4, 1904, and is said to have been named.....
(Male or Female)

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this day of 1904.

.....
Notary Public.

NEW BORN

350-

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Henry O. Winn

is a citizen of

Creek

Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.

FILED

JUN 6 1906

Com'r

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN AN APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Henry O. Winn, born on the 22 day of March, 1896.
[Here insert name of child]
Name of Father: Osceola Winn, a citizen of the U. S. Nation.
Name of Mother: Gersona Athina Winn (b. 19), a citizen of the Creek Nation.
Tribal enrollment of father: Osceola Tribal enrollment of mother: Chysha
Residence: Okmulgee Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Near Terr. District.

I, Gersona Athina Winn, on oath state that I am 31
years of age and a citizen by blood of the Creek Nation;
that I am the lawful wife of Osceola Winn, who is a citizen, of
the United States Nation; that a male child was
born to me on 22 day of March, 1896; that said child has been named
Henry O. Winn, and was living March 4, 1906.

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 6 day of June, 1906.

Ally May
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Near Terr. District.

I, Osceola Winn, on oath state that I
attended on Gersona Athina Winn, wife of Osceola Winn,
on the 22 day of March, 1896; that there was born to her on said date a
child; that said child was living March 4, 1906, and is said to have been named Henry O. Winn.

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 6 day of June, 1906.

Notary Public.

NEW YORK

350-

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 28, 1906.

Richard E. Winn

as a citizen of

Calif.

Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR,
Commissioner ⁱⁿ to the Five Civilized Tribes.

FILED

JUN 6 1906

[Signature]

BIRTH AFFIDAVIT.

190

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Crow Nation,
of Richard E. Winn (Here insert name of child) born on the 14 day of October 1894
Name of Father: Oscar Winn a citizen of the U. S. Nation.
Name of Mother: Genevieve Atkins Winn (or U. S. a citizen of the Crow Nation.
Tribal enrollment of father: Tribal enrollment of mother: Cheyenne
Residence: Oklahoma Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Western District.

I, Genevieve Atkins Winn, on oath state that I am 21
years of age and a citizen by Marriage of the Crow Nation;
that I am the lawful wife of Oscar Winn, who is a citizen, U. S.
of the United States Nation; that a male child was
born to me on 14 day of October 1894; that said child has been named
Richard E. Winn, and was living March 4, 1906.

Genevieve Atkins Winn

WITNESSES TO MARK:

[Must be Two Witnesses] {
.....
.....

Subscribed and sworn to before me this 6 day of June 1906.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
..... District.

I, on oath state that I
attended on wife of
..... day of
child; that said child was living March 4, 1906, and is said to have been named.....

WITNESSES TO MARK:

[Must be Two Witnesses] {
.....
.....

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 28, 1906.

Urciel Winn

as a citizen of

Chaut.

Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR,
Commissioner of the Five Civilized Tribes.

FILED

JUN 8 1906

Conner

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, PASSED APRIL 22, 1906.

IN HIS APPLICATION FOR ENROLLMENT, as a citizen of the Leach Nation,
of Mareil Minn (Here insert name of child) born on the 14 day of April 1906
Name of Father: Oscar Minn a citizen of the U. S. Nation.
Name of Mother: Harmon Atkins Minn (In L.S.) a citizen of the Leach Nation.
Tribal enrollment of father: Cherokee Tribal enrollment of mother: Cherokee
Residence: Cherokee Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
District.

I, Mareil Minn, on oath state that I am 14 years of age and a citizen by birth of the Leach Nation; that I am the lawful wife of Oscar Minn, who is a citizen, by birth of the Leach Nation; that a child was born to me on 14 day of April, 1906; that said child has been named Mareil Minn and was living March 4, 1906.

WITNESSES TO MARK:

[Must be Two Witnesses] {
Subscribed and sworn to before me this 14 day of April, 1906.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
District.

I, Sylvia Tomlin, a midwife, on oath state that I attended on Harmon Atkins Minn, wife of Oscar Minn, on the 14 day of April, 1906; that there was born to her on said date a child; that said child was living March 4, 1906, and is said to have been named Mareil Minn.
Sylvia M. Tomlin

[Must be Two Witnesses] {
Subscribed and sworn to before me this 14 day of April, 1906.
Notary Public.

NEW BORN

350

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J-10084

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 20, 1906.

Urciel Nimm

as a citizen of

Chick

Nation.

Approved. 190...

Commissioner.

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.

FILED

JUN 6 1906

Comm

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1900.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Nation,
of Ureel Wynn Born on the 14 day of April 1904.
[Here insert name of child]
Name of Father: Oscar Wynn a citizen of the U. S. Nation.
Name of Mother: Geneva Atkins Wynn (1. 13) a citizen of the Chick Nation.
Tribal enrollment of father: Tribal enrollment of mother: Chick
Postoffice: Ottumwa Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
..... District.

I, Geneva Atkins Wynn on oath state that I am 31
years of age and a citizen by blood of the Chick Nation;
that I am the lawful wife of Oscar Wynn who is a citizen, by
..... of the United States Nation; that a female child was
born to me on 14 day of April 1904; that said child has been named
Ureel Wynn and was living March 4, 1906.

Geneva Atkins
Wynn

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 14 day of June 1906.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
..... District.

I, on oath state that I
attended on wife of
on the day of; that there was born to her on said date a
child; that said child was living March 4, 1906, and is said to have been named
[Male or Female]

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this day of 1906.

Notary Public.

NEW BORN 350-
199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 20, 1906.

Tabbie Winn

as a citizen of

Chet

Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF
Commissioner

JUN 6 1906

Com'n

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Tabbie Nixon born on the 13 day of March 1898
[Here insert name of child]
Name of Father: Osceola Nixon a citizen of the U. S. Nation.
Name of Mother: Geneva Atkins Nixon a citizen of the Creek Nation.
Tribal enrollment of father: Chickasaw Tribal enrollment of mother: Chickasaw
Postoffice: Oklmulgee Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

I, Geneva Atkins Nixon, on oath state that I am 31
years of age and a citizen by blood of the Creek Nation;
that I am the lawful wife of Osceola Nixon, who is a citizen, by
of the United States Nation; that a female child was
born to me on 13 day of March 1898; that said child has been named
Tabbie Nixon and was living March 4, 1906.

Geneva Atkins Nixon

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 6 day of June 1906.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

I, Geneva Atkins Nixon, on oath state that I
attended on Tabbie Nixon wife of Osceola Nixon
on the 13 day of March 1898; that there was born to her on said date a
child, that said child was living March 4, 1906, and is said to have been named Tabbie Nixon

[Must be Two
Witnesses]

Subscribed and sworn to before me this 6 day of June 1906.

Notary Public.

7197

NEVER IN REPLY TO THE FOLLOWING:

En. 13

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 8, 1906.

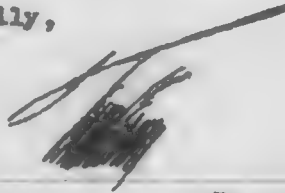
Geneva Atkins Wign,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that under date of December 28, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, enrolling you as a citizen by blood of the Creek Nation.

Respectfully,



Commissioner.

1

AFFIDAVIT OF DISINTERESTED WITNESSES

United States of America,
Western District, (SS:
Indian Territory.)

We, the undersigned, on oath state that we are personally acquainted with Genesis Winn who is the wife of Osceola Winn; that there was born to her a female child on or about the 13 day of March 1906; that said child has been named Pabbie Winn and was living on March 4, 1906.

We further state that we have no interest in this case.

Witnesses to mark:

J. H. R. 30
B. H. Howard

Subscribed and sworn to before me this 24 day of June 1906.

My Com. Exp Apr 23-1907

W. C. Meador
Notary Public.

AFFIDAVIT OF DISINTERESTED WITNESSES

United States of America,
Western District, (SS:
Indian Territory.)

We, the undersigned, on oath state that we are personally acquainted with Genevieve Winn who is the wife of Oscar Winn; that there was born to her a male child on or about the 4th day of Oct 1904; that said child has been named Richard E Winn and was living on March 4, 1906.

We further state that we have no interest in this case.

Witnesses to mark:

L. M. Gray
D. H. Howard

Subscribed and sworn to before me this 9th day of June 1906.

M. C. Meador
Notary public.
my com. Exp Apr. 23-1907

AFFIDAVIT OF DISINTERESTED WITNESSES

-10:-

United States of America,
Western District, (ss:
Indian Territory.)

We, the undersigned, on oath state that we are personally acquainted with Genesis Ninn the wife of Isaac Ninn; that there was born to her a female child on or about the 13 day of December 1899; that said child has been named Pessie Ninn and was living on March 4, 1906.

We further state that we have no interest in this case.

J. J. Smith
B.

B. H. Hancock

Witnesses to mark:

Subscribed and sworn to before me this 23 day of June, 1906.

My com. Exp Apr 23 - 1907 M. C. McAdoo
Notary Public.

AFFIDAVIT OF DISINTERESTED WITNESSES

United States of America,
Western District, (SS: .
Indian Territory.)

We, the undersigned, on oath state that we are personally acquainted with Generia Winn who is the wife of Oscar Winn; that there was born to her a male child on or about the 22 day of March 1896; that said child has been named Henry O. Winn and was living on March 4, 1906.

We further state that we have no interest in this case.

Witnesses to mark:

D. M. R. L. & G.
B. H. Homewood

Subscribed and sworn to before me this 9th day of June, 1906.

My Com. Exp. Apr 23-1907 H. C. Meador
Notary Public.

N B C 360

JWH

Muskogee, Indian Territory, March 7, 1907.

Geneva Atkins Winn,

X Oscar Winn,

Okmulgee, Indian Territory.

Dear Madam :--

You are hereby advised that on February 28, 1907, the Secretary of the Interior approved the enrollment of your minor children, Richard M., Henry O., Tabbie, Prebble, Valley and Urcell Winn, as citizens by blood of the Creek Nation, and that the names of said children appear upon the roll of new born citizens by blood of the Creek Nation, enrolled under the Act of Congress approved April 26, 1906, as numbers 435, 436, 437, 438, 439 and 440, respectively.

These children are now entitled to allotments and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1064

CR EN 1064

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES/
MUSKOGEE, INDIAN TERRITORY.
AUGUST 18, 1906.

In the matter of the alleged application for the enrollment of Annie McClelland and Mitchell Cox as citizens of the Creek Nation.

Annie McClelland being first duly sworn testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Annie McClelland.
- Q: How old are you? A: I am somewhere near 50 I don't know just exactly but somewhere's in 50's.
- Q: Were you born during the civil war? A: Yes sir.
- Q: Do you remember the war? A: Yes I remember the time the war was going on.
- Q: What is your post-office address? A: Ark, I. T.
- Q: That is in the Chickasaw Nation is it? A: Yes sir.
- Q: How long have you lived there? A: Near 20 years in the Chickasaw nation.
- Q: You haven't been in the Creek Nation any of that time?
- A: On a visit I have. I have lived in the Chickasaw Nation for over 20 years. I have lived in the Chickasaw nation most of my time but I have lived several years in Oklahoma and then I came back to the Chickasaw and have been there ever since.
- Q: Where were you born? A: I was born in Russ County, Texas.
- Q: Did you live there until you were quite a good sized woman?
- A: In Russ County, Texas, I lived until I was grown and married.
- Q: What was your name before you were married?
- A: Annie Cox.
- Q: What is the name of your father? A: Mitchell Cox.
- Q: Where is he now? A: Yes sir.
- Q: What is the name of your mother? A: Amanda Cox.
- Q: Is she living? A: No sir, she is dead.
- Q: How long has she been dead? A: Near 20 years.
- Q: She didn't claim any rights as an Indian did she?
- A: No sir.
- Q: What color was she? A: Real black African looking.
- Q: Wasn't your father black, wasn't your father a black man?
- A: No sir I would call him a kind of brown, that is what I would call him in my way.
- Q: Any Indian rights you have, you claim from him?
- A: Yes sir, that is what they always told me.
- Q: What are you claiming now, that is are you claiming as an Indian by blood or as a creek freedman.
- A: He always claimed to be an Indian by blood.
- Q: Didn't claim to be a Creek Indian? A: No sir.
- Q: That is the slave of an Indian? A: No sir.
- Q: Wasn't he ever a slave? A: Yes sir.

- Q: If you are claiming anything at all it is an Indian by blood is it? A: Yes sir.
- Q: How much Indian blood do you claim to have? A: My grandmother always said he mother was a full blood Creek and her father had some but she never did say how much he had but she said she was a full blood.
- Q: You don't know how much you have then, do you? A: No?
- Q: Yes? A: Well I haven't thought about how much I have.
- Q: Do you know how much your father Mitchell Cox claims?
- A: No sir, I don't know how much he claims.
- Q: Did you ever appear in person or through anybody else, before this office to make application for enrollment as a Creek? A: No sir never.
- Q: This is the first time any appearance personally has been made for either you or Mitchell Cox is it? A: Yes sir.
- Q: Have you ever done anything before this time? A: This is the first time I ever tried in my life.
- Q: Didn't you write some letters or a letter of some kind?
- A: I wrote some letters to the Dawes Commissions here.

(Witness presents a large package of letters, two of which were written in the month of September, 1906 and the remainder dated in 1906.

The letters of 1906 while strictly referring to Annie McClelland, may have been intended also to cover the case of her father Mitchell Cox as she mentions the names of two people probably his ancestors.

These letters presented by Mitchell Cox are all dated 1906.

- Q: Why is it he couldn't get in here in 1906 like you have?
- A: we said he didn't make any application when I did and he said the reason why was because he didn't have any confidence in it by what he was told. they wouldn't hear him he said because they wouldn't receive any but the full blood and the Indian Freedmen and he told me to go ahead and if they considered what I did he would see further; that is what he told me.
- Q: So he didn't begin writing until this year 1906?
- A: No sir he didn't.
- Q: The reason he didn't was because he understood they wouldn't listen to anyone but full bloods and freedmen and he didn't claim to be either? A: No sir.
- Q: You don't claim to be a full blood or a freedman? A: I am a freedman but not an Indian Freedman.
- Q: You don't claim to be either a full blood or a Creek Freedman? A: No sir.
- Q: You are claiming to be a creek by blood? A: Yes sir.
- Q: Do you know how much? A: No sir.
- Q: Do you know what creek Indian town you belong to?
- A: No sir, I don't know anything about that.
- Q: Did you ever draw any money from the Creek Nation?
- A: No sir.
- Q: Was any ever drawn for you? A: No sir.
- Q: Does your name appear on any of the creek rolls?
- A: If there is I don't know anything about it.
- Q: Have you ever been admitted by the Creek Tribal authorities?

- A: Yes sir.
- Q: Have you ever been admitted by the Dawes Commission under the act of June 10, 1906? A: I never did try.
- Q: Never been admitted by the United States Court on appeal from a decision? A: No sir.
- Q: You don't claim to be on the Dunn Roll that is a roll that was made up in 1867, right after the civil war, of Creek Freedmen? A: No sir.
- Q: You don't claim that your father is on there either do you? A: No sir he wasn't no Creek freedman.
- Q: Do you claim rights in any other of the Five Tribes than the Creek? A: No sir.
- Q: And all you have ever done was to write some letters in 1905 and 1906, some letters of inquiry as to how to get enrolled? A: Yes sir.
- Q: And Mitchell didn't write any until 1906 because he understood that they only listened to full bloods and Creek freedmen? A: No the Chickasaws.
- Q: Is he claiming as a Chickasaw? A: No he ain't claiming as a Chickasaw but what I want to tell you, we lived in the Chickasaw Nation but we couldn't claim Chickasaws because we ain't no relation to the Chickasaws.
- Q: How we come in the Chickasaw was we got in a place under a Chickasaw Indian there.
- Q: You were born in Texas were you? A: Yes sir, Russ County, Texas.
- Q: And lived there until you were married? A: Yes sir.
- Q: Then where did you go? A: Harrison County, Texas.
- Q: Then where did you go? A: Over to Dallas and from Dallas ever here.
- Q: I mean in the Chickasaw Nation, when did you get into the Chickasaw Nation?
- A: Well I can't exactly remember now what time it was because I never gave it no thought.
- Q: How many years ago was it? A: Since we moved in the Chickasaw Nation? I have been in the ~~Chickasaw~~ nations along 20 some odd years around and about in one place and another.
- Q: You have been around and about in the Chickasaw Nation and in Oklahoma somewhere about 20 years? A: Yes sir.
- Q: Has your father been with you most of that time? A: Some of the time he has and some of the time in Oklahoma about and about in certain places, none in particular.
- Q: Have you ever had any other names besides McClelland and Cox? A: No sir, that is all.

Mitchell Cox being first duly sworn, testified as follows:

- Questions by Commissioner:
- Q: What is your name? A: Mitchell Cox.
- Q: How old are you? A: Going on 75.
- Q: What is your post-office address? A: Ark, I. T.
- Q: That is in the Chickasaw Nation is it? A: Yes sir.
- Q: Have you ever made any application for enrollment as a citizen of any of the Five Tribes?
- A: Not more than what you have got before you.
- Q: What we have here is three letters written in 1906, is that all you have ever done? A: We have two letters written fr

- from this office answering your requests, telling you it was too late to make application?
- Then we have here a letter to you from Marshall, Texas in the year 1906 and a poorly written instrument of some kind without any date, that is all we have from you.
- Is that all that was ever done? A: Yes sir, I just had to depend on anybody that would write them, they could do as they pleased I didn't know it.
- Q: This is the first time you were ever here? A: Yes sir.
- Q: Who was this woman who just left the chair? A: That is my eldest child.
- Q: She never was here before today was she? A: Never was here before today not as I know of.
- Q: What was the name of her mother? A: Her mother was named Mandy.
- Q: Mandy what? A: Cox.
- Q: She is dead is she? A: Yes sir.
- Q: How long has she been dead? A: I couldn't tell you she has been dead a good many years.
- Q: How old was this girl when Mandy died? A: I couldn't tell you that, but I can tell you pretty well how old she is now.
- Q: Was she a grown girl? A: This woman was grown and the mother of two children.
- Q: When did Mandy die? A: Directly after emancipation in Russ County, Texas.
- Q: You were living with her at that time? A: Yes sir.
- Q: She has been dead nearly 20 years? A: Yes sir.
- Q: I can tell you Emancipation has been about 40 years ago and you say she died directly after that? A: Directly after emancipation, now boss you have to figure that out. That is my mother died directly after emancipation and I think my wife died 15 years after that.
- I am trying to tell you to the best of my knowledge.
- Q: At that time you were all living in Texas? A: Yes sir.
- Q: You and this woman Annie McClelland? A: Yes sir.
- Q: How long did you live there after that? A: Not long.
- Q: Then where did you live? A: We moved over into Harrison County and stayed there a while and came over into the Chickasaw and been there nearly 20 years?
- We were there backwards and forwards. We lived there and would go back to see our people like anybody else would.
- Q: Did you go to Oklahoma too? A: My daughter has been there she lived there a while but I never did.
- Q: Have you ever lived in the Creek Nation? A: No sir, I am living in the Chickasaw Nation.
- Q: Never lived in the Creek Nation. A: Never has in my life.
- Q: What are you claiming as now? What kind of claim are you trying to make? A: I claim to be in connection with the Creek from what my mother told me all my life and what Major Planter told me before he died and my old Mistress told me that.
- Q: Do you claim to be a creek freedman or by blood? A: By blood.
- Q: If you had a a mistress then she wasn't an Indian was she? A: No sir, I was a slave.
- Q: You were just a common slave you didn't claim to be a Creek freedman? They taught you that you were a common

- slave and not a Creek freedman did they? Are you claiming as a Creek Freedman or a Creek by blood? A: By blood.
- Q: How much blood do you claim? A: I couldn't tell you that.
- Q: Was your father a Creek by blood? A: It came by my mother.
- Q: You don't claim anything by your father? A: It was my grand-mother and my mother.
- Q: Do you know how much blood your mother had? A: No sir, I don't.
- Q: And that mother you are talking about she died a little after the emancipation proclamation? A: That is my understanding.
- Q: What is your mother's name? A: Phyllis. She went by the name of Phyllis Ware. In slavery time we went by our owners names.
- Q: You don't claim to be the slave of an Indian you claim to be an Indian by blood if you claim at all? A: Yes sir.
- Q: Where were you the slave of this mistress you speak about? A: In Russ County, away before the war and slavery was going on until the war broke up.
- Q: Were you the slave of those people in Texas? A: Yes sir. And my mother was too, we were all in bondage.
- Q: Do you know what Creek Indian town she would be expected to be enrolled in? What Indian Town do you claim to belong to?
- A: I don't claim to belong to any town because I don't know any Indian town.
- Q: Did you ever draw any money from the Creek Nation? A: No sir.
- Q: Was any ever drawn for you or this woman Annie? A: No sir.
- Q: Never was? A: No sir.
- Q: Were you ever admitted by the Creek Tribal authorities in 1896? A: No sir.
- Q: You never were admitted by any authorities to citizenship in the Creek Nation were you? A: No sir.
- Q: Never drew any money from them? A: No sir.
- Q: Your name is not on any of the rolls, is it? A: Not more than that.
- Q: You mean not more than these letters written in 1906?
- A: I never had any correspondence or talk with you about nothing.
- Q: You can't talk Creek can you? A: No sir.
- Q: Don't understand it either, do you? A: No sir.
- Q: You lived down South in Texas all your life until you moved to the Chickasaw Nation about 20 years ago? A: Yes sir

(The examiner states that from the appearance of either of the witnesses it does not indicate that they have anything but colored blood in them)

(This is all the evidence that was taken in said case on said date, August 18, 1906)

I, Julia S. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia S. Laval.

Subscribed and sworn to before
me this 1st day of September, 1906.

Edward Morris.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie McClelland and Mitchell Cox as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on September 6, 1905, Annie McClelland, one of the applicants herein, addressed a letter to the Secretary of the Interior in regard to her right to enrollment as a Creek citizen, which is considered as an original application for enrollment as a citizen by blood of the Creek Nation. It further appears from the record herein that further proceedings in the matter of said application were had on August 18, 1906, at which date Mitchell Cox, the father of said Annie McClelland, appeared and offered testimony relative to his right to enrollment as a citizen by blood of the Creek Nation, which is considered as an attempted application for enrollment as a citizen by blood of the Creek Nation. It appears from the evidence given by Mitchell Cox on that date that he had, prior to the date of said hearing but in the year 1906, written several letters to the Commissioner to the Five Civilized Tribes in regard to his right to enrollment as a Creek citizen. But it is shown by the evidence and appears from the records of this office that no application was ever made by or on behalf of the said Mitchell Cox for enrollment as a citizen of the Creek Nation prior to the year 1906.

The evidence in this case shows that both of the applicants claim to be citizens by blood of the Creek Nation; that the applicant, Annie McClelland, is about fifty years old, and the applicant, Mitchell Cox, about seventy-five years old. It further appears that neither of said applicants claims to be or is a full-blood Creek Indian. It further appears that both of said applicants were born in Texas and lived all their lives there until about twenty years ago when they moved to the Chickasaw Nation. It appears from the evidence and the records in this office that neither of said applicants are found on any of the tribal rolls or were ever admitted to citizenship by any of the tribal authorities of the Creek Nation, or by the Commission to the Five Civilized Tribes or the United States Court, under the act of June 10, 1896.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of the applicant, Annie McClelland, as a citizen by blood of the Creek Nation, and the application for her enrollment as such is, accordingly, denied; and that this office is without jurisdiction to receive or consider the attempted application made on behalf of the applicant, Mitchell Cox, and that the attempted application on his behalf be, and the same is, hereby dismissed.

Muskogee, Indian Territory.

Commissioner.

FEB 7 - 1907

24508

Department of the Interior,

RECEIVED

JUN 12 1906

No. 6691

Indian Territory Division.

Department of the Interior,

~~June 14~~ 1906

Respectfully referred to the
Commissioner to the Five Civil-
ized Tribes for consideration
and appropriate action.

James O. Niles
Assistant Secretary.

Ark Ark J.T

June the 7 1906 to the

Secretary of the
interior Washington D.C.
my dear Sir I made an
application to the Dawes
Commission for in
rollment as a Creek Indian
Indian By Blood some
time in August or Sept 1905
is this application good
under the Curtis Bill
Will you please tell me
What to do about my
application Does section
one of the Curtis Bill
allow any one to be in
rolled as Indian known
O I am your obedient
Cannie McCallister

INDEXED

17518

5-22-06

McClelland, Anna,
Ark, I.T.,
Chickasaw Nation,
May 10, 1906.

no ap.

Asks when to appear in re
his application for
creek citizenship.

May 10

ARK I. J. 5) The 10 1906 to the
Hon Mr Bit By Chairman
of the Daws commission
at Muskogee O. S. my dear sir
I made application as
break in chain some time a
go Will you please let
me know - When to come
to give in my statement
to you Hon Please let me
know on return mail
so I will know what to do
I remain your obedient

Ann M. Belland
Po Ark O. S.

24508

McClelland, Anna,
Ark, I. T.
Chickasaw Nation,
June 7, 1906.

No Application

Relative to application for enrollment as a Creek.

CREEK ENROLLMENT.

XXXX

REPLY IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Wahkago, Indian Territory, May 28, 1906

Anna McClelland,
Ark, Indian Territory.

Dear Madam:

Receipt is acknowledged of your letter of May 10, 1906, in which you ask to be advised when to come and get in your statement and your application as a Creek Indian.

You are advised that it does not appear from the records of this office that application was made for your enrollment as a citizen of the Creek Nation within the time specified by law, and this office is now without authority to receive or consider applications for enrollment as citizens of said Nation.

Respectfully,

Geo. H. Rodgers
Acting Commissioner.

My mother was named Philis. Cor. and
 her mother was named Clara and Clara
 was a full blood Creek Indian, &
 her husband was also an Indian too.
 they belong to the tribe that was
 brought out of Florida in the year
 1836 or 1838 one, and they was
 brought to Butler County, Alabama
 and there my mother Philis was
 sold from her mother Clara
 & her father. Philis father was named
 Peter. Then she was bought over
 to Jack Patton as a slave. Jack
 Patton sold her to Levi Ware and
 Levi Ware brought mother to Texas
 and there Levi Ware died in 1858.
 and then Mrs. Ware married a man
 by the name of G. W. Flanagan &
 there mother live until she
 died. She tried very hard to get to
 Creek nation, before she died, but
 fail to get here. She told me to come
 to the Creek nation, for they was
 our kind people. mother died in 1853-
 or 1854 one, my father was
 named Jacob Cor.

my name are Mitchell. Cor.
 and J. T.

10297

Witchell,
Chickasaw Nation,
March 19, 1906.

E. J. - 06.

Application for citizenship
in Creek Nation.

CHICKASAW NATION.

POOR ORIGINAL -
BEST AVAILABLE COPY

INDEX

32723

8-4-06.

Cox, Mitchell,

Ark? I.T.,

Chickasaw nation,
July 31, 1906.

Asks when to appear before
Commission in his Creek
citizenship case.

CREEK ENROLLMENT

W. H. H. H.

PY

Ark 25 June 31 1906
to the Hon Darius Coman
Sion Muskogee 25.

Be the men I made

Application to you

for some time in

1906 as a back

indian of Blood

more Application to

Writing to you Will

Please let me

know as to come

to the office to prove

my Indian title

Witchell Cox
To Ark 25.

Ark J. J. March - The 1906
to the Lewis & Clark
Hudson's Bay
and make application to
ask for Indian Blood
I will come and live
and bring my wife and
children to live with
you. I am now at the
Hotel in Lot 200 for J. J.
where I am but I will
please write to me at
J. J. for the Hotel in Lot



July 20 1906

Dear Mr. [unclear]
A. H. [unclear]

I have all the
[unclear] your letter to
[unclear] Yes I would anything
on earth I can do for you
or any of your stock will
gladly be done by me, give
my love to Ann, Clara and
all of the others, I would
not want to forget any-
one in your prayers. I am
the same [unclear]



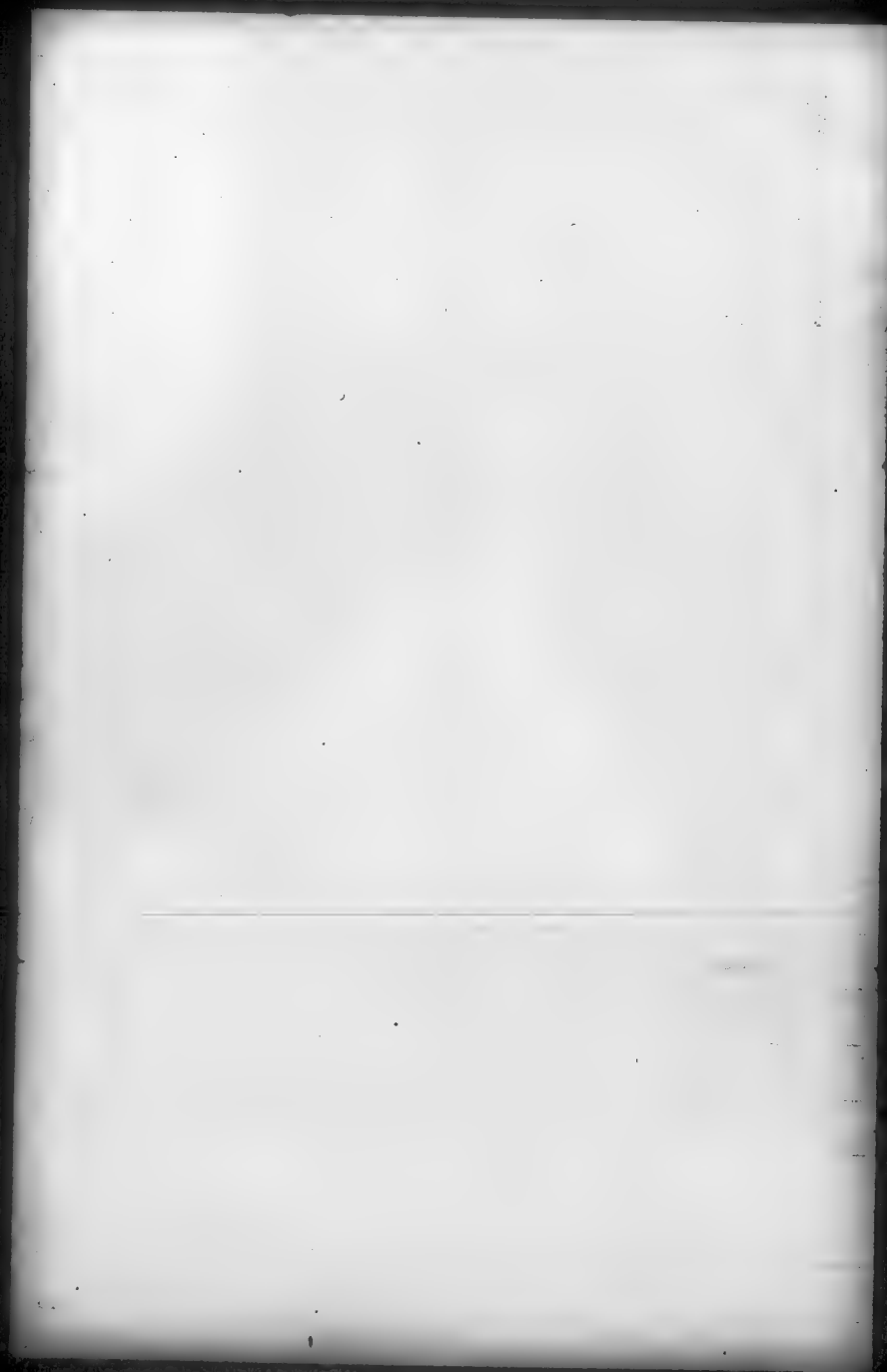
July 3^d

1904

To Whom it may concern
This is to Certify that Mitchell -
-Cot and his Father & Mother
belonged to my Parents, Wm & Mrs
J. W. Flanagan Senior. Mitchell
Cot has Indian Blood in
him his Mother as we use
to call her Aunt Phillis.
Mitchell's Father's Name was
Tallon. Mitchell's Character
was always good and Honorable
I am 57 years of age and
have known him all
my life, and if there ever
was ought against Mitchell
I never heard of it,

I think he belongs to the
Crest Indian Reservation, any
thing I can do for him
in any way favorably
I will do so with pleasure
all you have to do is to
send paper to me with
your questions and I will
answer them the best I can
I am Sir yours

J. H. Bunyan
301 Willard Street
Massachusetts
July 3rd 1906



W.O.B.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskegee , Indian Territory, August 22, 1905.

Annie McClelland,

Ark, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 14, 1905, stating that you are a Chickasaw freedman and have not yet appeared before this office, and you wish to know where to go with your attorney in order to be enrolled.

In reply to your letter you are advised that it does not appear from the records of this office that application has been made by you or in your behalf for enrollment as a Chickasaw freedman, and under the act of Congress approved July 1, 1902, there is now no provision for the reception of original applications for enrollment in the Choctaw and Chickasaw Nations.

Respectfully,



Commissioner.

M.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 499-1906.

January 16, 1906.

488

Annie M. McClellan,
Ark, Indian Territory.

Madam:

The Department is in receipt of your communication of the 8th instant, relative to your application for enrollment as a Creek citizen, and you are advised that the same has been referred to the Commissioner to the Five Civilized Tribes for appropriate action.

Respectfully,

Edward M. Dawson
Chief Clerk.

254

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 23, 1906.

Anna M. McClellan,
Ark, Indian Territory.

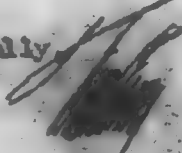
Dear Madam:

Receipt is acknowledged of your letter of January 8, 1906, by reference from the Secretary of the Interior, in which you state that your great grandmother was a full blood Creek and that you can prove the fact.

You are advised that it does not appear from the records of this office that application was made for your enrollment, within the time prescribed by law.

You are further advised that the rolls of the Creek Nation are now closed and that this office is without authority to receive or consider applications for enrollment as citizens of said nation.

Respectfully



Commissioner.

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

M. C.

Muskogee, Indian Territory, February 13, 1906.

Annie McClellan,
Ark, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 29, 1906, requesting that certain land be reserved for you pending action relative to your enrollment.

In reply to your letter you are advised that no reservation of the lands of the Choctaw and Chickasaw Nations will be made for any person whose enrollment has not been approved by the Secretary of the Interior, but in the event lands containing their improvements are filed on by other citizens or freedmen of the Choctaw and Chickasaw Nations they will be allowed to institute contest proceedings therefor.

Respectfully,

W. O. Beall

Acting Commissioner.

494

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 23, 1906.

Mitchell Cox,
Ark, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of March 19, 1906, in which you state that you are an applicant for enrollment as a Creek Indian by blood and that you have witnesses to prove same.

You are advised that it does not appear from the records of this office that application was made for your enrollment as a citizen of the Creek Nation within the time prescribed by law.

You are further advised that the rolls of the Creek Nation were closed September 1, 1904 and that this office is now without authority to receive or consider applications for enrollment as citizens of said nation.

Respectfully,

W. O. Bear

Acting Commissioner.

J.W.G.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 6691-1906.

June 14, 1906.

428

Annie McClelland,
Ark, Indian Territory.

Madam:

You are advised that your letter of the 7th inst., stating that you made application for enrolment as a citizen of the Creek Nation to the Dawes Commission in August or September, 1905, and asking whether it is good under the act of April 26, 1906 (Public. 129), has been referred to the Commissioner to the Five Civilized Tribes for appropriate action.

Respectfully,

Edward M. Dawson
Chief Clerk.

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 19, 1906.

Annie McClelland,

Ark, Indian Territory.

Dear Madam:

Receipt is acknowledged of your letter of June 7, 1906, referred to this office by the Secretary of the Interior, for consideration and appropriate action, in which you state that you made application to the Dawes Commission for enrollment as a Creek Indian by blood sometime in August or September, 1905, and you ask if you are entitled to enrollment under the provisions of the late Curtis bill.

You are advised that you will be given an opportunity to appear at an early date at the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, with witnesses to testify relative to the matter of your alleged application for enrollment as a citizen of the Creek Nation.

Respectfully,



Commissioner.

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Went

Muskogee, Indian Territory, August 4, 1906.

Mitchell Cox,

Ark, Indian Territory.

Dear Sir:

Referring to your letter of July 31, 1906, you are advised that apparently the records in the possession of this office fail to show that an application was made within the time prescribed by law to the Commission to the Five Civilized Tribes, or to the Commissioner, for enrollment by or on behalf of yourself as a citizen of the Creek Nation.

The Act of Congress approved April 26, 1906 (Public No. 129), provides in part as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: Provided, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in

charge of the Commissioner to the Five Civilized Tribes show application was made prior to December first, nineteen hundred and five and which was not allowed solely because not made within the time prescribed by law."

Seemingly, the provision of law above quoted is determinate as to your alleged claim to enrollment as a citizen of the Creek Nation. If, however, you still desire to appear before the Commissioner at his office in Muskogee, Indian Territory, you may do so on any date within a reasonable time, when sufficient testimony will be taken for the purpose of establishing whether any application of any character was made for your enrollment as a citizen of the Creek Nation within the time provided by law.

Respectfully,

A handwritten signature, likely of the Commissioner, consisting of a series of overlapping, slanted strokes that form a stylized, somewhat abstract shape.

Commissioner.

Cr.Bn.1044.

Muskogee, Indian Territory, February 9, 1907.

Mitchell Cox,

Ark, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for your enrollment as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM-41.

Cr. En. 1064.

Muskogee, Indian Territory, February 9, 1907.

Annie McClelland,
Ark, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.

LN- 40.

Cr.En.1064.

Muskogee, Indian Territory, February 9, 1907.

W. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Annie McGlelland and Mitchell Cox, as citizens of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-49.

Cr. Mail 1044.

Muskogee, Indian Territory, February 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Annie McOlelland and Mitchell Cox, as citizens of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM-43.

Through the Commissioner
of Indian Affairs.

Refer in reply to the following:
Land 14302-1907.

Copy.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Annie McClelland and Mitchell Cox as citizens by blood of the Creek Nation.

On February 17, 1907, the Commissioner found that prior to the date of hearing on August 18, 1906, but during the year 1906, Mitchell Cox had written several letters to the Commissioner in regard to his right to enrollment as a Creek citizen, but that it is shown by the evidence and appears from the records of the Commissioner's office that no application was ever made by or on behalf of Mitchell Cox for enrollment as a citizen of the Creek Nation prior to the year 1906.

He also found that the evidence in the case shows that both of the applicants claimed to be citizens by blood of the Creek Nation, that Annie McClelland is about 50 years old and Mitchell Cox about 75 years old, that neither claimed to be or is a full-blood Creek Indian; that both were born in

Texas and lived all their lives there until about 20 years ago when they moved to the Chickasaw Nation, and that neither of the applicants is found on any of the tribal rolls or to have been admitted to citizenship by any competent authority. For this reason he rejected them.

These parties were never enrolled in the Creek Nation nor have they ever resided there. It is evident therefore that they are not entitled to enrollment and it is recommended that the adverse decision of the Commissioner be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
O.K.

LRS

I.T.D.

5706, 5722, 5792, 5794-1907.
5814, 5816, 5822, 5830-1907.
5832, 5838, 5840, 5856-1907.
5862, 5868, 5872, 5874-1907.
5882, 5884, 5966-1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed. Copies of
Indian Office letters submitting your reports and recommending
that the decisions be affirmed are enclosed.

Title of Case.

DATE of your
Letter of Transmittal.

Easter Walker,	January 11, 1907.
Julia Cornelius, et al.	January 28, 1907.
Paul Bowers,	February 11, 1907.
Moses Vaughan (Freedman),	February 11, 1907.
Charles Clark,	February 9, 1907.
Johnny Garville (Freedman)	February 9, 1907.
Jack and Alice Bell (Freedmen),	February 9, 1907.
Yar-mah-lee, et al. (deceased)	February 9, 1907.
Mary Burl (Freedman)	February 9, 1907.
Annie McClelland and Mitchell Cox,	February 11, 1907.
Alvin Smith (deceased) (Freedman),	February 9, 1907.
Isaac and Ethel Grayson (Freedmen),	February 9, 1907.
William B. Self et al.	February 9, 1907.
Annie Morgan, (Freedman)	February 11, 1907.
Bennie Griffin (Freedman),	February 9, 1907.
Mose James, (Freedman)	February 11, 1907.
Dan Campbell (Freedman),	February 9, 1907.
Josie Wofford,	January 26, 1907.
Daniel Gray, deceased,	February 9, 1907.
	February 11, 1907.

A copy hereof and all the papers in the above mentioned
cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

19 inc. and 38 inc.
for Ind. Of.

3-2-07.

Cr. en. 1064.

Muskogee, Indian Territory, March 11, 1907.

Annie McClelland,

Ark, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 7, 1907, denying your application for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JBM

Cr. No. 1064.

Muskogee, Indian Territory, March 11, 1907.

M. L. Wott,

Attorney for the Creek Nation,

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 7, 1907, denying the application for the enrollment of Mitchell Cox as a citizen by blood of the Creek Nation.

Respectfully,

JBM

Commissioner.

Cr. No. 1064.

Muskogee, Indian Territory, March 11, 1907.

Mitchell Cox,
Ark, Indian Territory.

You are hereby advised that the Secretary of the Interior, under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 7, 1907, denying the application for your enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JBM

CR EN 1065

CR EN 1065

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY.
AUGUST 21, 1906.

In the matter of the alleged application for the enrollment of Emma Dodge as a Creek Freedman.

Emma Dodge, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Emma Dodge. My maiden name was Emma Tem.
- Q: Have you ever had any other names besides those two? Emma Dodge and Emma Tem? A: Not any to say principal. That was my maiden principal name, but I had other names I went by you know.
- Q: What are they? A: One of them is Fleming.
- Q: You married a man named Fleming, did you? A: Yes sir.
- Q: What was his name? A: His name was Doc. Fleming.
- Q: Is he living? A: No, no, no sir.
- Q: What was Dodge's name? A: S. A. Dodge.
- Q: Is he living? A: No sir, he is dead.
- Q: Have you ever been known by any other names? A: Yes sir.
- Q: What? A: Hill.
- Q: Where did you get that name? A: I married it.
- Q: What was the name of that fellow? A: Joe Hill.
- Q: Is he living? A: Yes sir.
- Q: Did you get a divorce from him? A: No sir.
- Q: How did you come to marry these other fellows then?
- A: That was before this one, they are dead.
- Q: What is your name now? A: Hill.
- Q: Didn't you tell me a minute ago your name was Dodge?
- What is your name now? A: Emma Hill.
- Q: What is the name of your present husband? A: Joseph Hill.
- Q: S. A. Dodge is dead is he? All dead but this one Hill?
- A: yes sir.
- Q: You name was Tem before it was Fleming? A: That was my maiden name.
- Q: How old are you? A: I am going on 50.
- Q: Do you know how close to 50 you are? A: No sir, I couldn't tell exactly.
- Q: Are you sure you are not more than 50? A: I am that I know.
- Q: Do you know whether or not you are 60? A: No, no I am not 60. Sickness has brought me down to what I is, if I hadn't been sick so long you couldn't have told me from a young girl. You see I have had four or five sicknesses since I have been here.
- Q: And you have had 4 or 5 husbands too, haven't you?
- A: No, no.
- Q: Were you born before or during or after the civil war?
- A: I was a little girl about so high. (Indicating)

- Q: During the war? A: Yes sir.
Q: You were born before slavery was set free? A: I hadn't done anything.
Q: You hadn't done any work but you were born before the slaves were freed? A: Yes sir.
Q: What is your post-office address? A: My number is 607 South 7th street, Muskogee, Indian Territory.

(Witness presents letters one written by her to the Secretary of the Interior dated November 2, 1905 and by him referred to this office.

A letter written by Ed M. Dawson dated November 9, 1905 to the witness about the first letter and the answer of this office dated November 20, 1905, all of which are made a part of the record herein.

- Q: Do you live in Muskogee here? A: I live in Muskogee here it will be over 2 years the 4th. of this last June.
Q: This last June you have been here 2 years, that would make it 1904. Where did you come from to Muskogee?
A: I came from Eufaula.
Q: How long had you been at Eufaula? A: I was there about 4 or 5 weeks before I was able to come in here.
Q: Where were you before you went to Eufaula?
A: Eureka Springs, Arkansas.
Q: How long had you been over there? A: I reckon about 9 months.
Q: Where did you live before that? (No answer)
Q: Where were you born? A: Born here, here in Muskogee. I was born over across the Arkansas border in Indian Territory.
A: Yes sir in the Creek Nation.
Q: How long did you stay there? A: My mammy carried me away over there a baby.
Q: Where to? A: Red Land.
Q: Where is that Texas or Arkansas or where? A: On the other side of Okmulgee.
Q: How long did you stay there? A: I was a little bit of a thing when it broke up.
Q: Slavery time do you mean? A: Yes sir, they were passing them backwards and forward.
Q: Where were you carried to then? A: Went from there over here in Eufaula and lived over there.
Q: Where did you go from Eufaula? A: Stayed there until they all broke up, I was a little girl when they broke up and then I went to Kansas.
Q: How long did you stay there? A: I stayed there a long time
Q: Were you a grown woman in Kansas? A: Mighty near it.
Q: Wasn't you married in Kansas? A: No sir.
Q: But you stayed there until you were mighty near a grown woman; then where did you go? A: The next place then we came down here.
Q: What do you mean, by "down here"?
A: In the Creek Nation.
Q: Then where did you go? A: No where else.
Q: Have you been here ever since? A: Yes sir.
Q: How long have you been in the territory this last time?
A: I reckon it must have been 20 some odd years I can't tell exactly, it has been a long time you know.
Q: Where did you live during these 20 odd years? A: I lived in Oklahoma.

- Q: How long did you live in Oklahoma? What place did you live in? A: I think I stayed there 4 or 5 years.
- Q: When was that? During what year was that?
- A: It was after it was opened up you know.
- Q: The man I married he went to Oklahoma and he died too.
- Q: Who was that? A: Dodge.
- Q: You lived with Dodge in Oklahoma for 4 or 5 years did you?
- A: Yes sir.
- Q: What place in Oklahoma? A: In Kind-fisher County.
- Q: In what town? A: Kingfisher.
- Q: What is the name of your father? A: His was named Jordan Tom.
- Q: Is he living? A: Law, Law, no.
- Q: How long has he been dead? A: Oh, I couldn't tell you, he has been dead a long time.
- Q: Where did he die? A: Up in Petewas, Kansas.
- Q: Has it been as much as 20 years since he died? A: Might be near that.
- Q: Was he a citizen of any of the Indian Tribes? A: Yes sir.
- Q: What tribe did he claim? A: Creek Nation.
- Q: What is the name of your mother? A: Her name was Becky.
- Q: Is she living? A: Law, no sir.
- Q: How long has she been dead? A: I think it is 10 or 15 years.
- Q: Was she a member of any of the five tribes? A: She was a slave under Tom Tom.
- Q: Who was he? A: Tom Tom, don't you know them? A creek Indian.
- Q: Do you claim that your father was a slave of that fellow too?
- A: No, these was slaves under him.
- Q: Was your father a slave too? A: Yes sir.
- Q: Under Tom Tom? A: They was all slaves under Tom Tom.
- Q: How do you know that? A: My mother and father always said that. I am telling you what they said and what others knows.
- Q: Were you ever a slave? A: Yes I was a slave too, a little bit of a thing you know.
- Q: What was the name of your owner, do you know? A: I belonged to that same tribe.
- Q: How do you know? A: Because I always heard them say so I have a right to say what they said. That is all I know.
- Q: Have you ever drawn any money from the Creek Nation?
- A: No sir.
- Q: Has any money ever been drawn for you? A: If there has I have never got it.
- Q: You never heard there was, did you? A: Yes sir.
- Q: What Creek Indian Town do you claim to belong to, if any?
- A: There was a king to look after me you know.
- Q: Who was the King? A: I tell you he was a chief.
- Q: Who was it? A: I don't understand you know.
- Q: Does your name appear on the Dunn Roll?
- A: I don't know whether it does or not.
- Q: Never heard that it did, did you? A: I heard there was a 88 roll, or 80 something.
- Q: Have you worked out in the states too? A: No sir, I ain't worked in the states, but I sure worked in all the tribes.
- Q: Do you know if the name of you father or mother appears on the Dunn Roll? A: No, but I think they is.
- Q: Did you ever hear that the name of either of your parents was on the Dunn Roll? A: I can't answer that. I heard my mother and father say their names were on the roll.

- Q: Did you hear what roll they said they were on? A: No sir, I will tell you the truth.
- Q: Have you ever been admitted to citizenship in the Creek Nation by the Creek Tribal authorities?
- A: Well they always send me when I was in here.
- Q: But you have never been formally admitted by the act of Congress or anything like that? Just answer the question.
- A: I am as near as I know how.
- Q: You don't know anything about any admission by any proper authority or proper recognition by any authority as a Creek freedman? A: Yes sir, I is a Creek Freedman.
- Q: Did you make application to the Jones Commission under the act of June 10, 1896 for citizenship in the Creek Nation?
- A: I don't know when it was but it was when they was opening up here I did, right in this place.
- Q: But you never drew any money from the Creek Nation?
- A: No sir.

This is all the evidence heard at this time in said cause.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval.

Subscribed and sworn to before
me this 4 day of September, 1906.

Edward H. Morris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
AUGUST 22, 1906.

In the matter of the application for the enrollment of
Emma Hill, as a Creek Freedman.

Here Drew, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Here Drew.
Q: How old are you? A: Well I am about 80 some odd.
Q: What is your post-office address? A: Muskogee here.
Q: How long have you lived in Muskogee? A: Oh my goodness I been living here before they ever built up Muskogee, before they ever built up this town.
Q: How many years, Here, we can't tell from the books. How many years has Muskogee been built; has it been 40 years?
A: Yes, I expect it has been over 40 since I was in Muskogee here.
Q: Do you know the applicant in this case? A: Yes sir.
Q: What is her name? A: Her name; they call her name just now, Tom, that was her father's name.
Q: How long have you know her? A: This lady, I known her when she was small, her ~~old~~ parents used to live across the river, she was born across the river.
Q: Do you know where she was born? A: Yes sir.
Q: Where? A: Across the river here.
Q: In what country? A: In this country here.
Q: In the Creek Nation? A: Yes sir.
Q: Were you there when she was born? A: Yes, I was living there then.
Q: Were you present when she was born? A: No sir, I wasn't in the house, but I seed her after she was born a baby.
Q: What was the name of her father? A: Old man Tom.
Q: Is he living? A: No sir, he is dead long ago.
Q: How long ago? A: Oh, I couldn't tell you exactly it has been a good while though.
Q: 20 years? A: Yes, I expect it is about that.
Q: What is the name of her mother? A: I don't know her mother at all.
Q: Never knew her? A: No sir, I never knew her mother but I knew her good.
Q: Did you ever see her? A: Yes sir, I have seen her mother but I disremember her name.
Q: How do you know you saw her if you say you don't know her?
A: I might have seen her at the time but I don't remember her.
Q: How do you know it was her mother.
A: I seen her with her mother.
Q: Why do you come here today, what do you want to do?
A: I want to tell what I know and no more.

- Q: Go ahead and tell it then? What do you know of this woman's right to enrollment? A: I know she has been living here in the Nation a long time, she has been on Salt Creek and everywhere since we came to the Nation, but I know her good and been knowing her a long time.
- Q: Is that all you came up here to tell? A: And I know her folks.
- Q: That is all you know about her right to enrollment?
- A: Yes sir.
- Q: You don't know whether she ever drew any money from the Creek Nation, or not? A: No sir.
- Q: Do you know whether either of her parents ever drew any money from the Creek Nation? A: Not as I know of.
- Q: Do you know whether this woman is on the Dunn Roll?
- A: No sir, I don't know that.
- Q: Do you know whether either of her parents are on the Dunn Roll? A: No sir.
- Q: You have lived here all the time? A: Yes sir.
- Q: You are on the Dunn Roll ain't you? A: Yes sir.
- Q: Wouldn't you be likely to know if they are on?
- A: Yes if I knew I would be likely to know.
- Q: You don't know whether she was ever recognized by the tribal authorities of the Creek Nation? A: I heard she belonged to the Nation here, a citizen of the Nation.
- Q: You heard people talk around about it, is that what you mean? A: No sir, I am meaning this, she was born in the nation, and when she lived across the river when she was a little girl, that is all I know of her.
- About the money question, I don't know anything about that whether she ever drew any or not.
- Q: What town do you belong to? A: Arkansas Town.
- Q: Never heard that this woman was enrolled in that town, did you? A: No sir.
- Q: Never heard that she was enrolled anywhere?
- A: No sir.

Bud Dean, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Bud Dean.
- Q: How old are you? A: I am about 60 I guess.
- Q: What is your post-office address? A: Muskogee.
- Q: How long have you lived here? A: All my days.
- Q: Are you enrolled as a Creek Freedman? A: Yes sir.
- Q: What town? A: Arkansas.
- Q: Do you know the applicant in this case? A: Yes sir.
- Q: What is her name? A: Mrs. Dodge.
- Q: You say her name is Dodge? A: Yes sir.
- Q: Is that her name now? A: Yes sir.
- Q: Did you ever hear her called anything else? A: Yes they called her Mrs. Hill when she was married.

- Q: Was that before she was married to Dodge? A: Yes sir.
- Q: How long have you known her? A: Oh, I have known her about 50 years or more.
- Q: Where has she been during that time? A: I can't tell you all where she has been.
- Q: Did you follow her around everywhere? A: No sir, I didn't.
- Q: You haven't known her continuously; how long did you know her this last time before today, when did you see her last?
- A: I seen her two or three times.
- Q: What is the name of her father? A: Old man Tom.
- Q: Did you know him? A: Yes sir.
- Q: Is he living? A: No sir he is dead.
- Q: How long has he been dead? A: I can't tell you that.
- Q: A long time? A: yes sir.
- Q: Have you seen him in the last 20 years? A: No sir.
- Q: You think he is dead that long? A: Yes sir.
- Q: What is the name of her mother? A: Aunt Bettie.
- Q: Is she living? A: No sir, she is dead.
- Q: Has she been dead 10 or 15 years? A: Yes sir, longer than that.
- Q: Do you know whether this applicant's name is on the Dunn Roll? A: No sir, I don't.
- Q: Do you know whether either of her parents are on the Dunn Roll? A: No sir.
- Q: Do you know whether any money was ever drawn for this applicant or for her? A: No sir.
- Q: Do you know whether she belongs to any of the Creek Indian Towns? A: Yes sir, I think she lives in Arkansas town.
- Q: What is your reason for that? A: Because she lived across the river here.
- Q: You have been in here as a witness a number of times, don't you know you are in the Arkansas town because you across the Roll and live there and have drawn payments? A: Yes sir.
- Q: So when I ask you the name of the town and you say, "because she lived over there" that isn't any reason for getting on the roll is it? A: No sir.
- Q: You don't know then if she belongs to any town or not do you?
- A: No sir, it looks to me like she ought to be on this Arkansas town.
- Q: You don't know whether she was ever admitted to citizenship by the proper authorities of the Creek Nation?
- A: No sir, I don't.
- Q: You don't know that this woman or anybody for her ever drew any money from the Creek Nation? A: No sir.
- Q: Why do you come here today then? A: She had me for a witness to complain that I knew her and seen her in the Nation.
- Q: What did you come up here today for, Bud? A: I simply came up here to state I knew this woman over here at Soden and I also knew her in Arkansas.
- Q: That is all you came up here to say? A: She wanted me to prove that I knew her.
- Q: You don't know that any money was ever drawn for her from the Creek Nation? A: No sir.
- Q: Don't know anything about her rights to enrollment in the Creek Nation? A: No sir.

Abe Prince, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Abe Prince.
Q: How old are you? A: I am 60 years old.
Q: What is your post-office address? A: Red Bird.
Q: Are you enrolled as a Creek Freedman? A: Yes sir.
Q: Do you know the applicant in this case? A: Yes, I know her.
Q: What is her name? A: Emma.
Q: Now the applicant has told us not only Emma, but 4 or 5 surnames--Emma what? A: Emma Hill is all I know her by.
Q: How long have you known her? A: Long before 66 and after 66.
Q: Never knew her by any other name than Emma Hill? A: That is all I knew her by.
Q: Do you know of her drawing any money from the Creek Nation?
A: Not a nickle that I know of.
Q: Do you know if her name or the names of her parents appear on any of the Creek rolls? A: I don't really know. Her daddy is on the Creek roll.
Q: What is his name? A: Tom Tom.
Q: What Creek roll? A: On the old Creek roll.
Q: Is he living? A: No sir.
Q: How long has he been dead about? A: It is 20 years, I reckon.
Q: Did he die before or after the war? A: After the war.
Q: Don't you know from living here in the Creek Nation, that if he died after the war he couldn't be on any pay roll?
A: I didn't say he was on the pay roll.
Q: What roll is he on then? You don't mean any authentic roll? A: No sir, I don't know anything about that.
Q: You mean somebody might have put it down as a neighbor down there in that country? A: I mean ~~my~~ he is an Indian.
Q: Do you know whether this applicant has ever drawn any money from this Creek Nation? A: Never did as I know of.
Q: Do you know whether her name appears on any creek roll?
A: Not as I know of.
Q: What town do you belong to? A: Canadian town.
Q: Do you know whether this applicant belongs to any town like that? A: She don't belong to my town.
Q: Are you on the Dunn Roll? A: Yes sir.
Q: Do you know whether this applicant is on the Dunn Roll? Or do you know if she is on the roll at all? A: No sir.
Q: What is your business here today as a witness?
A: I came to witness what I know, you know.
Q: What do you know?
A: I don't know nothing except that her parents was an old fellow called Tom Tom.
Q: How do you know his name was Tom Tom?
A: I knew him and they all called him Tom Tom.
Q: How do you know it was his father?
A: That is her father he claimed the child to be his all right.
Q: When did he ever tell you it was his child?
A: He told everybody it was his.
Q: Did he ever tell you? A: No, he didn't tell me but he told everybody else.

- Q: When did you first meet this woman here? A: I met her here ever 10 years ago.
- Q: Was that the first time you ever met her? A: I met her before then but she went off and she has been going and coming and I met her after that 10 years ago.
- Q: Then have you seen her ever since off and on in the last 10 years? A: Yes sir.
- Q: How long had it been before that 10 years that you seen her, before the war? A: No, after the war.
- Q: About how many years were there intervening that you didn't see her any more? A: I couldn't tell you.
- Q: Was it a long time? A: A good long while.
- Q: How big a girl was she when you lost track of her the first time? A: Pretty near a young woman. Pretty near a young lady.
- Q: How long after the war was that? A: A good bit after the war.
- Q: All you came here today for, then was to say you knew her and her father? A: Yes sir.
- Q: You don't know anything about any recognition by the Creek Tribal authorities, nor that she drew any money. You know nothing about her right to enrollment, do you?
- A: She never drew a nickle from the Nation that I know of. She has the right to enrollment from her Papa.
- Q: How old is this applicant here? A: This woman, I guess she is about 50 years old.
- Q: Well now that is all you know about it, is it? A: Yes sir that is all.

This is all the evidence taken in said cause on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval.

Subscribed and sworn to before
me this 7 day of September, 1906.

Edward H. Morris.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Emma Dodge, as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on November 13, 1905, there was received at the office of the Commissioner to the Five Civilized Tribes, a letter signed by Emma Dodge, addressed to the Secretary of the Interior, and by him referred to this office for consideration and appropriate action. Said letter is considered as an original application for the enrollment of said Emma Dodge, as a citizen of the Creek Nation. Further proceedings were had on August 21, 1906, at which time, Emma Dodge claimed to be a Creek freedman, and August 22, 1906.

It appears from the evidence that the applicant is about 50 years of age, and that she was living on the date of the last proceedings had herein.

It does not appear from the evidence or the records in the possession of this office that the name of the applicant herein appears on the roll of Creek freedmen prepared by J. W. Dunn in 1867, or any other authenticated tribal roll of the Creek Nation, or that the applicant has ever been admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896, (29 Stats., 321) or the United States Court, in Indian Territory on appeal.

It is, therefore, ordered and adjudged that under the provisions of Section 3 of the Act of Congress approved April 26, 1906, (34 Stats., 137) said Emma Dodge is not entitled to enrollment as a Creek freedman, and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.

FEB 3 - 1907



COMMISSIONER.

M. S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 10553-1905.

November 9, 1905.

XB

Emma Dodge,

607 South 7th Street,

Muskogee, Indian Territory.

Madam:

The Department is in receipt of your communication of the 2d instant, relative to your application for citizenship in Creek Nation, and you are advised that the same has been referred to the Commissioner to the Five Civilized Tribes for appropriate action.

Respectfully,

Edward M. Dawson
Chief Clerk.

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 20, 1905.

Emma Dodge,
#607 South 7th Street,
Muskogee, Indian Territory.

Dear Madam:

Receipt is acknowledged of your letter of November 2, 1905, by reference from the Secretary of the Interior, in which you ask how to proceed in order to be enrolled as a citizen of the Creek Nation. You state "more than one year ago and in the time prescribed by law I made application to be admitted to citizenship before the Dawes Commission".

In reply you are advised that it does not appear from the records of this office that application was made for your enrollment as a citizen of the Creek Nation prior to or on September 1, 1904.

You are further advised that if you claim that an application was made for your enrollment within the prescribed time you should appear at the office of the Commissioner to the Five Civilized Tribes at an early date for the purpose of being examined under oath.

Respectfully,

Acting Commissioner.

Cr. No. 1000.

Muskogee, Indian Territory, February 8, 1907.

Miss Dodge,

607 South Seventh Street,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself, as a Greek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-91.

Cr. No. 1048.

Muskogee, Indian Territory, February 8, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Rana Dodge, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-92.

Gr. Am. 1068.

Muskeges, Indian Territory, February 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted a copy of the proceedings had in the matter of the application for the enrollment of Edna Dodge, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-93.

Through the Commissioner
of Indian Affairs.

Refer in reply to the following:
Land 13731-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Emma Dodge as a Creek freedman, including the decision of the Commissioner to the Five Civilized Tribes, adverse to the applicant.

The record shows that on November 13, 1905, there was received at the Office of the Commissioner to the Five Civilized Tribes a letter signed by Emma Dodge, addressed to the Secretary of the Interior, and by him referred to the Commissioner to the Five Civilized Tribes for consideration and appropriate action. This letter is considered as an original application for the enrollment of Emma Dodge as a citizen of the Creek Nation.

The evidence shows that the applicant is about 50 years of age.

Commissioner Bixby reports that it does not appear from the records of his office that the name of the applicant herein is on the roll of Creek freedmen prepared by J. W. Dunn in 1867, or any other authenticated tribal roll of the Creek Nation, or that the applicant has ever been admitted to citizenship in the Creek Nation by the Creek Tribal authorities, the Commission to the

Five Civilized Tribes, by the Act of Congress approved June 10, 1896 (29 Stat. L. 321), or the United States Court in the Indian Territory on appeal. Therefore, by reason of the provisions of Section 3 of the Act of Congress approved April 26, 1906 (34 Stat. L. 137), the Office concurs in the decision of Commissioner Bixby, denying the enrollment of Emma Dodge as a Creek freedman.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-D

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JP
FHE

LBS

I.T.D. 4880, 4890, 4904, 4960, 4962-07.
4964, 5082, 5166, 5202, 5228- "
5342, 5374, 5376, 5378, 5380- "
5396, 5398, 5400, 5402, 5404- "
5410, 5414, 5418, 5424, 5428- "
5466, 5488, 5498, 5548, - "

March 1, 1907.

D. C. 12430-1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Rhoda Walker,	December 19, 1906
Josiah McIntosh,	January 18, 1907
Tony Harlings,	January 18, 1907
George Allen, (Freedman)	January 28, 1907
Henry Edwards, (Freedman)	January 28, 1907
Lewis Davis, deceased,	January 28, 1907
Robert Scott, deceased,	October 19, 1906
Tom and Mattie Jeffries, deceased,	February 8, 1907
<u>Ema Dodge, (Freedman)</u>	February 8, 1907
Georgia Davis, deceased, (Freedman)	February 7, 1907
Thelma Maud Gibson,	February 7, 1907
Magie Nola Poe, (Freedman)	January 28, 1907
Nelson McIntosh,	January 19, 1907
Calley Caesar, deceased,	January 28, 1907
Sarah Buck, deceased,	January 25, 1907
Willie Perryman, (Freedman)	January 28, 1907
Joshua Gentry et al.	January 28, 1907
Dennis Taylor, (Freedman)	January 28, 1907
Paul and Pauline Bruner,	January 25, 1907
Gennie Sanders, (Freedman)	January 28, 1907
Eddie Levi, (Freedman)	January 28, 1907
Gabriel Hawkins, (Freedman)	January 28, 1907
Lottie Dickson, (Freedman)	January 22, 1907
Charles Tiger, deceased,	January 28, 1907
Herford Barnett, deceased,	January 28, 1907
Cebern Holt, (Freedman)	February 7, 1907
Marguerite Scott, deceased, (Freedman)	January 31, 1907.

Copies of Indian Office letters submitting your reports and
recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above mentioned
cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse B. Wilson,
Assistant Secretary.

27 inc. and 61 for Ind. Of.

AFMc

3-1-07.

Cr. En. 1066

Muskogee, Indian Territory, March 2, 1907.

Emma Dodge,

607 South Seventh Street,

Muskogee, Indian Territory.

Dear Madam :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1067

CR EN 1067

Chief Clerk, Enrolling Division Cherokee Nation;

Please give me the status
of Amstead Foster and Gertrude
(or Bertie) Grayson as ^{Cherokee} Creek freedmen.
Gertrude Grayson is shown to be the
illegitimate daughter of Amstead
Foster and now elects to be enrolled
as a Creek freedman.

L. C. M.

1523 Amstead Foster is on Cherokee
1376 freedmen roll approved.

Application for enrollment of Ger-
trude Grayson has been granted
9419 by Dept but she has not been scheduled
on account of the application and
election for her enrollment in Creek Nation
June 3, 1901

FEB 6 1907

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
AUGUST 28, 1906.

In the matter of the application for the enrollment of
Gertrude Grayson as a Creek Freedman.

APPEARANCES; John G. Lieber, acting for M. L. Mott
attorney for Creek Nation.

Joe Ross, being first duly sworn, testified as follows:

- Q: What is your name? A: Joe Ross.
Q: How old are you? A: 57.
Q: What is your post-office address? A: Choteau.
Q: What are you? A: A Cherokee freedman.
Q: Are you any kin to the applicant in this case? A: Yes,
I am her mother's brother, full brother.
Q: What is her name, this applicant here? A: Gertrude
Grayson.
Q: Was she ever known by any other name? A: Yes sir.
Q: What? A: Gertrude Forster, sometimes.
Q: Anything else? A: Sometimes they called her Gertrude
Tobler.
Q: Anything else? A: That is all to my knowledge.
Q: Did you ever hear her called Gertrude Colbert? A: Not
as I could remember on that.
Q: She is here is she? A: Yes sir she is here.
Q: How old is she? A: Well she is about according to the
best of my knowledge between 10 and 14, along in there
somewhere as well as I could remember.
Q: What is the name of her father? A: Armstead Forster.
Q: Is he living? A: Yes sir, he is living.
Q: What is his post-office address?
A: Well now, I just really couldn't tell you, I wouldn't be
sure but I think it is Turner, above Waggoner.
Q: In the Cherokee Nation? A: No sir, in the Creek Nation.
Q: Is he enrolled as a Cherokee Freedman? A: Yes sir.
Q: What is the name of her mother? A: Louisa Colbert.
Q: Is she enrolled as a creek freedman? A: Yes sir.
Q: She is dead is she? A: Yes sir, she is dead.
Q: When did she die? A: Well I couldn't state exactly but
to the best of my knowledge it was 1902.
Q: Who has the care and custody of this girl Gertrude?
A: I do.
Q: Have you been appointed her Guardian by the Court?
A: I was appointed the Guardian by Judge Starr.
Q: When was that years ago? A: Yes sir, years ago.
Q: Have you that paper with you appointing you that way?
A: No sir, I haven't it with me.
Q: Have you it at home? A: It might be among my papers there
I have a whole lot of them.
Q: You have made application for the enrollment of Gertrude
Grayson in the Cherokee Nation, have you? A: Yes sir.
Q: What is your purpose in appearing here today?
A: Well just to prove that she was the daughter of Louisa
Colbert.

- Q: Are you striving to prove that in order to have her enrolled as a Cherokee freedman? A: No sir.
- Q: Well why are you here; for the purpose of making a application for her enrollment as a Creek Freedman? A: Yes, if it is possible.
- Q: Can't you tell me why it is that Armstead Forster is not interesting himself in the case, to make application in either the Cherokee or the Creek Nation? A: I don't know.
- Q: Does he recognize this child as his? A: He said it is his.
- Q: Has he ever expressed to you whether he wanted it enrolled in the Creek or Cherokee Nation? A: Never has.
- Q: Did you ever make application for this girl Gertrude in the Creek Nation yourself? A: No sir.
- Q: This is the first time you ever did anything is it? A: A: Yes sir.
- Q: Do you know if anybody else ever did? A: No sir not as I know of.
- Q: If you were the proper party to make election for this girl, which Nation would you elect to have her enrolled in? A: I would love to have her enrolled in the Creek Nation.
- Q: Why then did you make application in the Cherokee Nation? A: The Commission told me that the child had to go with its mother and the grand-mother made application for her.
- Q: As a Cherokee? A: Yes sir.
- Q: Do you know in which Nation this Gertrude wants to be enrolled in? A: According to what she said, she wants to be enrolled in the Creek Nation.
- Q: Do you know whether she ever drew any money or if any money was ever drawn for Gertrude in the Creek Nation? A: Not to my knowledge.
- Q: Do you know whether her mother ever drew any money in the Creek Nation? A: Not to my knowledge.
- Q: You don't know anything about the Creek Nation? A: No sir
- Q: Do you know whether as a matter of fact she is the child of this Armstead Forster, a Cherokee and Louisa Colbert who was enrolled as a Creek? A: Yes sir, I know that.
- Q: Did Louisa have any other children? A: Yes sir.
- Q: Name them? A: There was George Tobler they claimed.
- Q: He is enrolled as a Creek is he? A: Yes sir.
- Q: Next? A: Gertrude Grayson.
- Q: Next? A: Now there are two more I don't know which is the oldest but one is named Garfield.
- Q: What is the next? A: Nancy Colbert.
- Q: Garfield and Nancy are enrolled with their mother Louisa are they not? A: Yes sir.

The 1895 pay roll for the Arkansas Town Creek Nation examined and the following names appear on Card.

- 1 James Colbert, he is enrolled on Creek freedman card 685.
- 2 Louisa Colbert
- 3 Garfield "
- 4 Perry Colbert
- 5 Gertie "
- 6 George "
- 7 Mary Ann Tobler.

Opposite the name of James Colbert in blue pencil mark is 685.

Opposite Louisa Colbert, Garfield Colbert and George Colbert and Gertie Colbert, in black lead pencil appears the word, Cherokee.

Opposite Perry Colbert appears in blue pencil # 604.

Opposite Mary Ann Tebler's name appears the notation, died prior to April 1, 1899. E 52.

Opposite Louisa and Garfield Colbert appears the notation died prior to April 1, 1899 E 52.

On Old Creek Census Card appear the names of James Colbert.
Garfield "
Perry "

The pencil notation thereon is as follows:

"Wife Louisa who is Cherokee freedman shows two children by two former husbands on Cherokee Freedman roll. One of them is by Creek husband, its name is George Jones the other name is Gerthie Foster.

In the case of Louisa Tebler, et-al on August 29, 1904 there was filed with this office the affidavit of James Colbert in which it appears the following statement, "Affiant further states that the said Louisa Colbert left a girl child who is now living and is now 13 years of age and goes by the name of Gertha Foster, and who, if she has not already been placed on the Creek Freedmans Roll is entitled to be placed on same."

Q: Do you think you could influence this man Armstead Forster to appear in this matter? A: Yes, I think so.

Q: (You are advised that you should tell him to appear here.)

Q: Is this girl living with you now? A: Yes sir, her and her grand-mother, both, they have no other one to look to but me.

You are also advised that you should supply this office with a copy of the letters of Guardianship issued to you by Judge Starr.

Q: You have never had any other guardianship papers besides these have you? A: No sir.

Gertie Foster, being first duly sworn, testified as follows

Questions by Commissioner:

Q: What is your name? A: Gertie Foster.

Q: Did you ever have any other name? A: No sir.

Q: How old are you? A: 15 years old.

Q: When were you 15? A: In May.

Q: What is your post-office address? A: Chatam

- Q: That is in the Cherokee Nation, is it? A: Yes sir.
 Q: When do you live with there in Chateau? A: With my Uncle Joe Ross.
 Q: How long did you live with him? A: Going on 3 years.
 Q: Who did you live with before that? A: With Betsey Primus.
 Q: How long did you live with her? A: I don't know sir.
 Q: Who did you live with before that? A: Mr. Jim Colbert.
 Q: Who did you live with before that? A: My mother.
 Q: How long did you live with Jim Colbert do you know?
 A: No sir, I don't.
 Q: What is the name of your mother? A: Louisa Colbert.
 Q: Is she living? A: No sir.
 Q: How long has she been dead? A: I don't know sir.
 Q: What is the name of your father? A: John Ester.
 Q: Was he ever called anything besides John? (No answer)
 Q: Is he living? A: Yes sir.
 Q: Where does he live? A: On Ball Creek.
 Q: Did you ever live with him? A: No sir.
 Q: Has he ever taken care of you at all? A: No sir.
 Q: Did you ever draw any money from the Creek Nation?
 A: I don't know sir.
 Q: Have you got any brother's or sisters you can mention?
 A: No sir.
 Q: Didn't you ever have any brothers or sisters? A: Yes sir.
 Q: What are their names? A: George Jones and Garfield Colbert, Nancy Colbert, Fanny Colbert.
 Q: Any others? A: One more but I don't know her name.
 Q: Did you ever hear of Perry Colbert? A: Yes sir.
 Q: Is he any kin to you? A: Yes sir.
 Q: What kin? A: My step-father's son.
 Q: If it should be found Gertrude that you should be entitled to enrolment in either the Creek or the Cherokee Nation in which Nation do you want to be enrolled? A: In the Creek Nation.

Joe Ross, being recalled, testified as follows:

Questions by Commissioner:

- Q: Joe is this girl of sound mind? A: Yes she is of sound mind.
 Q: You heard her state that she has only been with you 3 years in your care, how do you account for that? A: I can account for it if you will let me to explain to you. I had her in charge, she was living down here with her mother and I had her in charge years ago, her grand-mother is stone blind and her mother gave her to her grand-mother to lead her around, but I had control of her.
 Q: You had control of her even when she lived with her mother?
 A: I had control of the whole outfit.
 Q: You heard her say she lived with Jim Colbert? A: Yes as she did.
 Q: How did you have control of her when she was living with him?
 A: He had control of her grand-mother and when she came to see me she came to stay with me a while and then came to stay with her daughter in the Creek Nation a while and go back again; then when the old lady died she went to live with Joe Primus's wife and after she died they came to live with me.

Chlora Grayson being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Chlora Grayson.
- Q: Are you enrolled as a Cherokee Freedman? A: Yes sir.
- Q: Where have you lived all your life? A: Here in the Creek Nation after I was married. I have been living here ever since.
- Q: How old are you? A: I don't know my age.
- Q: At least 65 or 70 ain't you? A: I suppose so, I am around up there somewhere, I don't know my age.
- Q: What is your post-office address? A: Chateau.
- Q: That is in the Cherokee Nation, ain't it? A: Yes sir.
- Q: How long have you lived there? A: Three years.
- Q: Where did you live before that? A: Right here between the two rivers in the Creek Nation.
- Q: Do you know this girl Gertrude Grayson? A: She is my grand-daughter.
- Q: What is the name of her father? A: John Pester.
- Q: Has he been called anything else? A: No sir, that is all I ever heard him called by.
- Q: Never heard him called Armstead then? A: John Pester is all the name I ever heard.
- Q: Is he living? A: Yes sir.
- Q: Where? A: On Bull Creek.
- Q: Did you ever see him? A: He was over there once while we were living there, he came to see my brother one day.
- Q: You are sure this is his child are you? A: Yes sir.
- Q: What is the name of her mother? A: Louisa Colbert.
- Q: Is she living? A: No sir.
- Q: Do you know anything about this Gertrude's right to enrollment as a citizen of the Creek Nation?
- A: Well her mother was enrolled in the Creek Nation.
- Q: How do you know? A: Why I was living here with her when she was enrolled.
- Q: What do you mean by being ~~married~~ enrolled?
- A: She drew money.
- Q: What town did she draw money from? A: She drew at Okmulgee in Arkansas town.
- Q: How much money did she draw do you know? A: No sir, I don't know exactly how much she drew.
- Q: Did you see her draw it? A: I knew she drew it, I wasn't with her when she drew it.
- Q: Was money drawn for Gertrude at that time too?
- A: The last payment was drawn for Gertrude.
- Q: How do you know that? A: Well Jim went and drew it.
- Q: Jim Colbert went and drew it? A: Yes sir.
- Q: Who is he? A: Louisa Colbert's husband and Gertrude's step-father.
- Q: Name some of Gertrude's brothers and sisters?
- A: George Tobler and Nancy Colbert, George Colbert and Fannie Colbert and there was another one, but it didn't have a name, it didn't live a day.
- Q: The one that lived a day, which one was that born after?
- A: After Garfield.
- Q: Then there was one born that didn't live a day? A: That is the one that didn't live a day.
- Q: What was the name of the next one then? A: Fannie.
- Q: She is dead too? A: Yes sir.
- Q: What is the name of the next one then?
- A: Nancy and George.

John Ross, being recalled testified as follows:

Questions by John G. Lieber, acting for Creek Nation.

- Q: John what is the reason that you didn't make application to enroll this girl a long time ago? A: I didn't think I had any right to.
- Q: Why? A: Well because the Daves Commission told me the child would have to go with its mother and at that time the mother was dead and then I just taken her along with her grand-mother as I had charge of her and her ward, the child.
- Q: When was it the Daves Commission told you that?
- A: When I first came before them up there at Vinita.
- Q: What year? A: I disremember what year it was. It was the first time though that they set up there.
- Q: About her citizenship case or when the land office was opened? A: About her citizenship case.
- Q: About how many years ago was that? A: Well I couldn't really say, I couldn't really commit to memory right now but when they first set at Vinita I made application for myself there.
- Q: You can tell me about how many years ago it was can't you?
- A: Well yes, between-- --I just really couldn't say-- it was between 3 and 4 years, about 4 years I would say to the best of my knowledge.
- Q: Has this girl any other property besides the right to allotment in the Creek or Cherokee Nation?
- A: She has one Cow.
- Q: You have never has the record of your guardianship matter transferred from the Cherokee courts to the United States Courts have you? A: No sir.
- Q: You have never been appointed Guardian of this child by the United States Courts have you? A: No sir.
- Q: Was her mother also a Cherokee?
- A: Do you mean the mother of Gertrude?
- Q: Yes. A: Only in this way, her mother is on the Cherokee roll, I made application for her.
- Q: This Gertrude's mother is on the Creek roll, was Gertrude's mother also on the Cherokee roll? A: Yes sir.
- Q: Did she draw money in the Cherokee Nation? A: Yes sir.
- Q: Lived in the Cherokee Nation? A: Part of the time, first in the Creek nation and then in the Cherokee Nation.
- Q: Where was she living when this child was born? A: She was living in the Creek Nation at that time.
- Q: Where did she die? A: Louisa died in the Creek Nation.

Questions by Commissioner:

- Q: If this applicant's ~~name was~~ father's name was Foster and her mother's name was Colbert how does it come that the applicant's name is Grayson?
- A: At that time Louise Colbert was single, wasn't married and they called her by her maiden name, Grayson.
- Q: After this old lady here? A: Yes, she was called Grayson sometimes, and sometimes Foster.

Questions by John S. Fisher, acting for Creek Nation.

- Q: Was this an illegitimate child? A: Yes sir.
Q: It was born before she was married? A: Yes sir it was an illegitimate child. Foster never has given her more than 15 cents to my knowledge.

A copy of this testimony will be furnished the Cherokee enrollment division, to be filed in Cherokee Freedman case No. 1693 and also letter.

I, Julia C Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C Laval

Subscribed and sworn to before
me this 7 day of September, 1906.

Edward Herries
Notary Public

cGr.No. 1067.

SAM
M.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Gertrude Grayson, as a Creek freedman.

DECISION.

The record in this case shows that on August 29, 1904, application was made, in affidavit form, for the enrollment of Gertrude Grayson, under the name of Gertrude Foster, who is one and the same person, as a Creek freedman. Further proceedings were had on August 28, 1906.

It appears from the evidence and the records in the possession of this office that said applicant is an illegitimate child of Armstead Foster, a Cherokee freedman, and Louisa Grayson, who is identified upon the 1895 Creek pay roll, Arkansas town, as Louisa Colbert, opposite number 254, and that this applicant is identified on the 1895 Creek pay roll of Arkansas town, as Gertie Colbert, opposite number 257.

The evidence shows that said applicant was born in the month of May, 1890, and was living March 4, 1906.

The evidence and the records in the possession of this office show that the acting guardian of this applicant made application for her enrollment as a Cherokee freedman June 3, 1901, and her application has been granted by the Department but she has not been scheduled on account of her application and election to be enrolled as a Creek freedman. Both this applicant and her legal guardian now elect to have her enrolled as a Creek freedman.

It is therefore ordered and adjudged that the said Gertrude Grayson is entitled to be enrolled as a Creek freedman in accordance with the provisions of the Act of Congress approved June 28, 1896 (30 Stat.L., 495) and the application for her enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 27 1907

No. 1067

Muskogee, Indian Territory, September 8, 1906

Clerk in charge of the Cherokee Enrollment Division:

Sir:

There is herewith enclosed copy of the testimony taken August 28, 1906, in the matter of the application for the enrollment of Gertrude Grayson, as a Creek Freedman.

Respectfully,

Encl.
JUL- 1-8-8.

Commissioner.

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir :--

I have the honor to transmit herewith, for Departmental approval, a schedule constituting a part of the final roll of the freedmen of the Creek Nation.

The name of the person who appears on said schedule is found upon the 1895 authenticated Creek roll, Arkansas town.

The schedule, as transmitted, has been prepared in strict conformity with the provisions of the Act of Congress approved June 28, 1896, (30 Stat. 495).

The Creek National attorney has protested against the enrollment, as a Creek freedman, of the person whose name appears on this schedule, therefore, I transmit herewith my decision, enrolling such person as a Creek freedman.

Here follows table, showing tribal enrollment of the applicant:

No	Name	Roll	Town
	Grayson, Gertrude	1895	Arkansas

After having carefully examined the rolls of the Creek Nation and such evidence as has been submitted touching the identification of the person on roll herewith submitted, I am of the opinion that she should be enrolled as a freedman of the Creek Nation, and it is so ordered.

Secretary-8

It will be noted that no roll number has been given the person whose name appears upon the schedule herewith transmitted. This action is taken in accordance with procedure reported by me to the Department on January 28, 1907, and approved by the Department by its telegram of February 9, 1907. If the Department concurs in my recommendation contained in the preceding paragraph, I further recommend that a number be placed upon this schedule in consecutive order, by Mr. McGarr, the employee of my office now in Washington, and that the schedule receive the approval of the Department.

You are advised that application was also made for the enrollment of Gertrude Grayson as a freedman citizen of the Cherokee Nation, and the decision of the Commission to the Five Civilized Tribes granting her application was affirmed by the Department June 25, 1906 (I.T.D. 7532-2424-2600-1906), her application being embraced in the consolidated Cherokee Freedman cases of Joe Hess et al.

As will be seen by the record in the matter of the application of Gertrude Grayson for enrollment as a Creek

Secretary

freedom herewith committed, this applicant has elected to be enrolled as a citizen of the Creek Nation, and in the event of the approval of the Commissioner's decision granting her application as a Creek citizen, it is respectfully recommended that the Department rescind its said decision of June 25, 1906, so far as it granted the application for her enrollment as a Cherokee freedman, and that said application be denied.

Respectfully,

Commissioner

Through the Commissioner of
Indian Affairs

En 1067
~~Creek T. 1910~~

Muskogee, Indian Territory, March 18, 1907.

Joe Ross,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, approved the enrollment of Gertrude Grayson, as a Creek Freedman, whose name appears opposite number 5684.

This child is now entitled to allotment, and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1068

CR EN 1068

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE LAND OFFICE, May 31, 1900.

In the Matter of the application for enrollment of Dave and Josie Bruner, for enrollment as citizens of the Creek Nation.

Governor Pleasant Porter, being first duly sworn by Acting Chairman, Tama Bixby, testifies as follows:

- Q What is your name? A Pleasant Porter.
- Q Are you the Governor of the Creek Nation? A I am.
- Q Do you know this man sitting here-- Chepan Tahladago? A Yes sir, I do.
- Q Is he a citizen of the Creek Nation? A He is.
- Q How long have you known him? A For twenty five or thirty years.
- Q He has always lived in the Creek Nation? A Yes sir.
- Q Do you know him pretty well? A Yes sir.
- Q Is he a man of good character? A He was so regarded when I knew him. I haven't known him for five or six years.
- Q Is he truthful? A Yes sir.
- Q Will he tell the truth on oath? A I believe he will tell it without it.
- Q You don't know these children that he wants enrolled, do you? Now Governor, this man has made affidavits out as to the birth of Dave and Josie Bruner, in which he states that he knows that they are the children of Creek mother, and that they are now living, and living with him. You have every reason to believe such an affidavit under oath to be the truth? A Yes sir.
- Q You would be perfectly satisfied, as representing the Creek Nation as its principal officer, to have this Commission enroll these children under these affidavits? A I would.

Little Bear, being first duly sworn, by Acting Chairman Tams Bixby, testifies as follows:

Q What is your name? A Little Bear.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q You have lived here a great many years, have you not? A Yes sir.

Q Do you know this man, Chepan Tahladego? A Yes sir.

Q Do you know these two little children, David Bruner and Josie Bruner? A I know them.

Q Do you know that their mother was a Creek citizen? A I do.

Q Is she living or dead? A Living.

Q Living? (Governor Porter) He says he meant the mother of these little children here was living.)

Q You don't know the children referred to? A I know the mother.

Q You know this man's daughter, the mother of the children? A I do.

Chepan Tahladego, being first duly sworn by Acting Chairman Bixby, testifies as follows:

Q What is your name? A Chepan Tahladego.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q Who was Sarah Bruner? A Sarah Bruner was my daughter.

Q Is she living or dead? A Dead.

Q Does she leave any children? A Left two.

Q What are their names? A Dave Bruner and Josie Bruner.

Q Are they living with you? A Yes sir.

Q Are they the same children that are mentioned in these affidavits of yours? A Yes sir.

Q How old is Dave? A Three years.

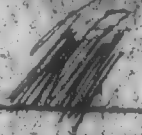
Q How old is Josie? A Eleven months.

Q Did the mother of these children, did she two or three years before she died, live in the Creek Nation near you? A Living with me, and had been for years.

Anna Bell, being first duly sworn by Acting Chairman Tamm Bixby, says that as Stenographer to the Commission to the Five Civilized Tribes she reported in full the testimony of the above named witnesses, and that the foregoing is a true and complete record of her stenographic notes.

Anna Bell

Subscribed in my presence and sworn to before me this 1st day of June, A.D. 1900.


Acting Chairman

Cr. En. 1068.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, October 18, 1906.

In the matter of the right to enrollment of Jessie Bruner,
deceased, as a citizen by blood of the Creek Nation.

APPEARANCES:

J. J. HARR, of the firm of Hars & Hars,
attorneys for the applicant.

JOHN G. LINBERG, for M. L. Nett,
attorney for the Creek Nation.

WILLIAM ANDERSON, being first duly sworn by Henry
G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A William Anderson.
Q How old are you Mr. Anderson? A I am 48 years old.
Q What is your postoffice address? A Sapulpa.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Received your allotment have you? A Yes sir.

The Department under date of September 2, 1906, granted
the petition of William Anderson, alleged to be administrator
of the estate of Jessie Bruner, from a reopening of the matter
of the alleged right of said Jessie Bruner to enrollment as
a citizen of the Creek Nation.

- Q Are you the identical William Anderson whose name appears
attached to the petition filed in this matter? A Yes sir.
Q Are you the administrator of the estate of Jessie Bruner? A Yes
sir, I was appointed.
Q Have you the letters of administration with you? A Not with
me; they are at Hars office, or someplace in the town of
Sapulpa.
Q When were these papers issued to you? A I couldn't say exactly;
1905, as far as I recollect, or 1906, somewhere along there.

Josie Bruner-----2

- Q Are you related to Josie Bruner? A No sir.
- Q Did you live near to her or to her parents during her lifetime? A Yes sir, they lived close to me, about a mile and a half to me.
- Q Were you living near to Josie Bruner at the time of his birth? A Yes sir, living close to me; wasnt born near to me at the time; wasnt born at home; about ten miles to me at the time he was born.
- Q You were not living close to him at the time? A She was away about the time this boy was born; this woman was away.
- Q What woman? A This mother.
- Q What is the name of the mother of this boy? A Sarah Bruner; Sarah Tahledgee; way we spell it g-e-e.
- Q Do you know the names of the parents of Sarah Bruner? A Yes sir, I know the mother, but I dont know her father; he died before I went up there.
- Q How long did you know Sarah Bruner? A Well fifteen years.
- Q You lived near her did you during those fifteen years? A Yes sir.
- Q How many times was she married? A She married twice I believe, that is the Indian way.
- Q Do you know how many children Sarah Bruner had? A Yes sir.
- Q How many in all? A Two; I got one of them.
- Q Two children? A One's living.
- Q What are the names of those children? A Dave Bruner is the oldest, and Josie Bruner is the one that is dead.
- Q Were you present at the birth of Dave Bruner? A No sir.
- Q Have you any knowledge as to the date of his birth? A No sir.
- Q Have you any knowledge as to the date of birth of Josie Bruner? A No sir, only what I heard.
- Q All you know as to the date of birth of Josie Bruner is from hearsay is it? A Only what they told me; told me but I dont know when he was born, nothing myself.
- Q How old is Dave Bruner? A Dave Bruner must be -- he must be about eight years old, somewhere along there, but I aint sure.
- Q How old would Josie be if he were living now? A He would be about seven years old, six or seven.
- Q Were you present when Josie Bruner died? A No not at the house; but old man came to me to get a coffin for him, but I was sick, and my folks were sick and I couldnt go down; but I told him to go down and get the coffin; he went down and got some other parties to get a coffin; dont know how he got it, and two or three years after I was appointed administrator and they called on me for a settlement of the coffin, and I paid for it.
- Q Who was Sarah Bruner living with at the time of the birth of Dave? A She was living with a man by the name of John.
- Q John who? A At the birth of Dave; at the time she died she was living with John Thomas, but I dont know who when Dave was birthed.
- Q Who was living with her at the time of the birth of Josie? A I dont know that there.
- Q Who was Sarah Bruner living with in the year 1899 and the year 1900? A 1899 was the fall that the Dawes Commission was at Okmulgee; with her grandfather.
- Q Who was that? A Chepan Tahledgee.

Josie Bruner-----3

- Q Who else was living with Chepan Tahledgee in the latter part of the year 1899? A I dont know that; I just recollect this because they all came over there and wanted to get number of lands they wanted to file on in Okmulgee; I had some land.
- Q How far were you living from Chepan Tahledgee in the year 1899 when Sarah Bruner was living with him? A About a mile and a half.
- Q And you dont know who the members of that family were? A Know only home folks, that is her grandpa and mother and two or three children.
- Q What children were those? A One was Wadie and Gable and Millie
- Q Gable also sometimes called Gable? A That is a different way; Gable is the Indian way of spelling it; Gable is the way we spell it.
- Q Are either of those three children you have mentioned and who were living with Chepan Tahledgee living now? A Yes sir, they are all living, Wadie, Gable and Millie; all living.
- Q Where are they living at the present time? A Same place, south of me a mile and a half.
- Q Were there any other people besides those you have mentioned living at that house in 1899? A I couldnt say; sometimes go together as members of the family; that is the home folks I told you.
- Q Were there any other children living there? A No sir.
- Q Were you a frequent visitor at that house? A Not very often; I always passed there; I had some grass rented from them.
- Q Did you ever hear of any other children being there in the year 1899? A No sir.
- Q Where did Sarah Bruner live in the year 1900? A Well, February, January-- someplace she lived with James Sapulpa in Sapulpa town.
- Q Was she married to him? A She was working there; she died there in February.
- Q How far were you living from her in 1900? A About seven miles from there.
- Q When did Sarah Bruner die? A Dont know exactly--last part of February, 1900.
- Q Did you attend her burial? A No sir.
- Q How do you know that she died at that time? A Just what they told me.
- Q All you know of her death is from hearsay? A Know it; never saw her after.
- Q Did you buy a coffin for her? A No sir, didnt pay for her coffin.
- Q Who were the members of that family of Sapulpa with whom she was living in 1900? A Just him and his wife; didnt have no children; dont know who lived with him at that time.
- Q You dont know what other children there were in the house, if there were any? A They have no children themselves.
- Q I believe you have stated that you dont know of your own knowledge as to the exact date of the death of Josie; is that correct? A I cant say; I know the year he died; I dont know the date.
- Q What year did Josie die? A 1900.
- Q Is there anything that would help you to fix the time of the year that that child died? A Only I could say that he died

Josie Bruner-----4

near the fourth of July somewhere along there, I couldn't swear to the date, nothing about it.

Q How do you know that? A I know because always know when come to us to bury for them.

Q Was he living on the 4th? A No sir, wasn't living on the 4th, because they wasn't at the ground the 4th.

Q Know who was present when he died? A No sir, I don't, only a girl--

Q Are you about to state something you know yourself, or something that has been told you, what you were going to state? A I was going to say when I sent somebody up there to look after the corpse until got the coffin from our house I think sent somebody up to stay with the corpse.

Q Who did? A I did.

Q Why did you do that; you are not related to the family? A Called on me to assist.

Q How far did you live from there at that time? A Mile and a half.

Q Were there other near neighbors? A Other people; people always come to us to help; I always helped; I couldn't assist at that time; I think I sent somebody up there to stay with the corpse until they got ready to take it off.

Q Who did you send up to assist them? A I don't know who I sent up, but I did get Timmie Pife and Essie Bruner to let me get a coffin.

Q Who requested you to do that? A This man Chepan Tahledogee wanted me to get coffin for him.

Q Do you know who made application for this child? A Yes sir.

Q Who? A For the allotment?

Q For the enrollment? A No I don't.

Q Is Chepan Tahledogee living? A No sir, dead.

Q When did he die? A Well, I don't know, he died two or three years ago.

Q You don't know what month he died do you? A I believe I have got something here.

Witness presents a receipted bill for \$24.00, showing that on June 14, 1902, there was charged to him by Buffington Brothers certain amounts for coffin and box and robe, total \$24.00.

Q Have you a record showing the date of death of Josie Bruner? A No sir, I have not got it, only I took up a note something like that when I paid for it.

Q Have you any children? A Yes sir.

Q Have you any children that are dead? A I have two dead who are not enrolled.

Q How many years ago? A Died three or four years ago.

Q Do you know the dates of the death of those children? A No sir.

Q Can you give me the months and years in which those deceased children died? A No sir.

Q Can you tell me the month in which those deceased children of yours died? A Died in July, in the summer.

Q Both of them? A Remember one the date of its-- remember they ardin the same month, but the date of one's I don't

Josie Bruner-----5

- know about, long in July in the summertime.
- Q Had you made application for the enrollment of those children?
- A Why the Commissioner had it, couldn't get them enrolled.
- Q What year was it-- can you give me the year that either of those children died in? A No I couldn't, but I could hunt up the record and show you.
- Q How do you know then that this child Josie died in the year 1900; how is it that you can give the exact year in which Josie died, when you can't tell when your own children died?
- Q A I don't pay no attention to dates, died summer of '99; they began to take allotment and in that fall they were at Okmulgee; that fall we had election of chief in October, and we had allotment there in Okmulgee in October; when I come back I had some land and give it to Sarah Bruner; they lost the paper, they didn't file; this old man filed for them in the spring of 1900.
- Q You mean Tahledeggee? A Yes sir, he filed there; I recollect that part of it.
- Q Did either of those deceased children die in the same year that Josie did? A I think so, pretty close together.
- Q Pretty close together? A Yes sir.
- Q Give me the names of those deceased children of yours? A Were two twins and we got one that died sometime before Ida and Ivy, and Ivy died about the same time that Josie died.
- Q Give me the names of those twins? A Ida and Ivy.
- Q You had another child that died before that? A Before that.
- Q What was the name of that child? A Didn't name it.
- Q How long did it live? A Born dead.
- Q Do you know the date Ida and Ivy died? A Lived three or four weeks about; I think one lived three or four weeks, I don't know which.
- Q Only a short while after they were born? A Only lived about a month.
- Q Which died first, Josie, or one of the twins or both? A I think Josie did.
- Q You think Josie died before the twins did? A Josie did.
- Q Did you buy the coffin? A Yes sir.
- Q Who did you buy it from? A Same man.
- Q Mr. Buffington? A Yes sir.
- Is Mr. Buffington, the undertaker whose name appears in this petition present here today? A Yes sir he is here.

BY MR. MARR:

- Q Mr. Anderson, will you furnish the Commissioner on your return to Sapulpa with a certified copy of your letter of administration as the administrator of Josie Bruner? A I can furnish them yes.
- Q Who is Sarah Bruner, who was she? A She is the mother of Josie Bruner, and old man Tahledeggee's grand daughter.
- Q What was her mother's name? A Whose mother?
- Q Sarah Bruner's? A Mary Grayson now, Mary Tahledeggee before she was Mary Grayson.

Josie Bruner-----6

- Q Is Mary Grayson here? A Yes sir.
- Q About how old was Josie Bruner when he died? A He must have been pretty near a year old, pretty close, I cant say, he was walking a little, pretty near a year old.
- Q What year was it you paid for the coffin as administrator of Josie Bruner? A Well I dont know; they wrote an order on me and I paid for it; sometime after they got a coffin that year, got two after the child died.
- Q You are also the legal guardian of Wadie, Millie and Gable Tahledgee? A Yes sir.
- Q In the year 1899 I believe you stated that Sarah Bruner, the mother of Josie Bruner, was living with Chepan Tahledgee, is that right? A 1900.
- Q 1899? A 1899, yes sir she was living with him.
- Q Where was her other son, Dave, at that time? A Dave was with her.
- Q Where is Dave now? A He is living with me now; after she died she sent him to my wife to take care of him and we got him, and Mary Grayson got the other one, Josie Bruner.
- Q Mary Grayson is also known as Mary Tahledgee is she? A Yes sir.
- Q Is she the widow of Chepan Tahledgee? A Yes sir.
- Q I hand you an order which reads as follows:

"J. W. Buffington.

D. H. Buffington.

Buffington Bros.,
Undertakers and Embalmers.
Picture Frames and Glass.

Sapulpa, Ind. Ter., June 3, 1902.

Mr. Willy Anderson

Please pay to the order of Buffington Bros
Eight Dollars (\$8.00) and interest from Aug. 2, 1900
to date.

Note No. 6.

his
Chepan X Tahladgee
mark

Witness Archie Bruner.

(In pencil mark) \$9.60."

Please examine that and state whether or not you ever saw that piece of paper before, and when and where? A I know the order, it was given to me; I paid for the coffin, paid for the other articles.

- Q Who gave you that order? A Buffington Brothers, I think the youngest brother, I dont know which, and since I got appointed administrator; they gave him a note on me and I paid for it; I guess it is on record at the court house I paid for that.
- Q On the first day of July, 1900, where did Sarah Grayson,--- where was Sarah Bruner; I should say, the first day of July, 1900? A I dont know.

Jessie Bruner-----7.

BY THE COMMISSIONER:

There is offered in evidence the order above referred to, signed by mark by Chepan Tahladgee, the witness to mark appearing as Archie Bruner, said order being dated June 3, 1902 and reading as above set out.

BY MR. LIEKER:

The Creek Nation objects to the introduction of this order, for the reason that it has not been shown that it is in connection with the death of Jessie Bruner, the order not showing on its face by whom the debt was made.

BY THE COMMISSIONER:

Objection noted.

BY MR. MARE:

In reply to which attorney for petitioner states that the said order will later be properly identified, as being given to the witness, William Anderson, as administrator, for the purpose of authorizing him to pay for the coffin of the deceased Jessie Bruner.

Q Were you acquainted with Archie Bruner during his lifetime?
A No sir.

Q Would you know his signature? A No sir, I wouldn't know it.
Q Renewing the request before the introduction of said

order, I asked you where was Sarah Bruner on the first of July of 1900, living or dead? A I don't know; she wasn't home I don't think; I don't know where she was; she worked out around, didn't stay at home.

Q Do you know whether she was living or dead on July first, 1900?
A She was dead I guess; she died, it was the spring after 1899; she must have died the latter part of January or February, I don't know which, somewhere along there, but she died right after 1899 of the next year.

Q Was Jessie Bruner living after his mother died? A Yes sir.

Q How long did he live after she died, how many months? A I couldn't say, grandmother took him to her house and kept him there for her.

Q Did he die within the same year that his mother died? A I don't think so, sometime that next summer.

Q Somewhere after she died? A Somewhere along that summer.

Q Have you any way by which you can tell how long Jessie Bruner had been dead prior to the 4th day of July, 1900?

A No sir, I couldn't recollect now, always put that on record you know, can't remember dates.

Josie Bruner--8.

- Q I will ask you whether or not you ever received any notice from the Department that there was any contest as to the enrollment of Josie Bruner? A No sir.
- Q When did you first learn that the name of Josie Bruner had been stricken from the roll? A Last January.

BY MR. LIEBER:

- Q When did you first notify the Commission that you had been appointed administrator of Josie Bruner's estate? A When I was appointed.
- Q I say when did you first notify the Commission that you had been appointed administrator of Josie Bruner's estate? A I dont know; I went to Mars & Mars office; I looked over new maps; they had plats call it; somebody else had put on name of Josie Bruner; called attention to it; they thought plats was made wrog; went on several weeks, and got them to write letter down here.
- Q Now before that time you had never notified the Commission that you had been appointed administrator of his estate had you? A Josie Bruner, to the Commission?
- Q Yes, before that time you had never told them you had been appointed administrator of his estate? A Didnt think it was necessary to notify them; reported to the Court.

BY MR. MARS:

- Q As the administrator of the estate of Josie Bruner did you ever rent and collect rents for the land that was allotted to him? A No never collected nothing only this year I collected some, but the place was fenced; had some rent on it but there was nothing collected on it.
- Q Had anyone used that quarter of land for grazing or other purposes? A Not lately; two years ago rent to him do himnow.
- Q When was it first rented? A 1905, I think or 1904.
- Q Who rented it? A J. B. Bridges.
- Q Who did he rent from? A They got the lease, J. B. Bridges.
- Q Did you lease it to him? A Yes sir leased; it was in pasture, there is no house on it, no royalty.
- Q When did you first learn that there was an allotment of land set aside to Josie Bruner; when did you first learn that Josie Bruner had an allotment of land? A Filed for him? Well old man Tahledgee filed for him my part of the pasture, and part of mine I give it to this woman to file and he filed Josie Bruner, and Dave and here in another place.
- Q Did you ever see the certificates of filing? A I have the certificates of filing.
- Q Did you have it? A I think I have it.
- Q Do you know where it is now? A I dont know; old man Tahledgee turned the certificates; I got all the certificates

Josie Bruner--9.

of allotments, that is Sarah Bruner's two children, I got deeds for Sarah Bruner and Dave Bruner, but never got deed for Josie Bruner.

- Q Do you know why you didnt get deed for Josie Bruner? A I find out after I got down there to the Chief's office; I come here, Posey was here; he told me that he didnt live first year, April 1899, or didnt live the first day of July 1900, he died before, ruled out; I told him if he had improvements and promised to come out there and appraise it, told me would be all right.
- Q Do you know what year or what time in the year old man Tahledeggee made application to file for Josie Bruner? A I dont know; he was down here in the spring of 1900, pretty late in the spring, dont know what time it was; filed for these children in the fall of 1899, but they lost the paper; didnt think he come down here, after Sarah Bruner died he filed down here after she died.
- Q Was Josie Bruner living at that time? A Yes sir; Dave Bruner was living.
- Q And after he was here and filed for them an allotment certificate was issued for Josie Bruner? A Yes sir, to all three.
- Q Josie Bruner at that time was living with old man Tahledeggee was he? A When he filed?
- Q Yes? A Yes sir.
- Q And that land was within the boundary occupied by you as a pasture? A Yes sir.
- Q And after he came back, Tahledeggee, you got permission from him to still use that land in your pasture? A Sarah Bruner had my place, Dave Bruner, the oldest boy of Sarah Bruner had my place; had buildings on it; had forty-six acres of land fenced; I told him after he used it one year give him that for this.
- Q The improvements? A The whole three-quarters.
- Q And this quarter set aside for Josie Bruner by this certificate was near this three-quarters? A It was fenced, had some buildings on it.
- Q Was Josie Bruner living at that time? A Yes sir he was living.
- Q On your return to Sapulpa, to the office of Mars & Mars, also to your home will you make diligent search and see whether or no you can find the original allotment certificate issued to Josie Bruner, and if it can be found will you forward that as an exhibit to your testimony to the Commission? A Well, I cant find that there, but I will look around the Chief's office and see if it can be found here.

BY THE COMMISSIONER:

- Q Did you ever have as a member of your family one Mary Thompson? A Yes sir.
- Q Do you remember when she died? A No sir, I dont.
- Q Did she die before Josie Bruner or after? A Died after, the fall after that summer.
- Q She died in the fall after Josie died? A Yes sir.

Josie Bruner--10.

- Q You mean it was only a matter of two or three months? A It was either fall or the first part of the winter.
- Q She either died the fall after her death or the first part of winter? A I think it was the same year, yes sir.
- Q But you are positive that Mary Thompson died after Josie Bruner, are you? A Yes sir.
- Q Do you know when Sarah Bruner, the mother of Josie Bruner, died? A I dont recollect the date, but I think she died in February of 1900.
- Q This Mary Thompson who was a member of your family, how is she related to you? A She wasnt related to me.
- Q How old was she when she died? A She must be about seventeen or eighteen.
- Q What was the name of her father? A Dont know.
- Q What was the name of her mother? A Dont know.
- Q Did you make application for her enrollment at the same time you did for the other members of your family? A No sir.

It appears from the records of the Commissioner that Mary Thompson, a member of the family of which William Anderson is the head, died in January, 1900.

- Q Do you remember the exact date of the death of Sarah Bruner? A No sir.
- Q Do you know whether she was living when the land office opened. A Yes sir, she was living.
- Q What other name did Sarah Bruner go by? A Last name, she was Sarah Holder.
- Q Do you mean to say that Sarah Bruner or Sarah Holder, the mother of Josie Bruner, received an allotment of land in the Creek Nation? A Yes sir.
- Q Did you say a few minutes ago that Tahledeggee came here for the purpose of filing for Sarah Bruner and her two children in the early part of 1900? A Yes sir.
- Q Do you know whether he filed for them at that time? A In the spring when the creek was pretty high he came, yes sir he filed to Chief Porter here he told me.
- Q It appears from the records of this office that Sarah Bruner, identified as Sarah Holder, died on February 5, 1900, and that a citizenship certificate entitling her to file was issued on March 7, 1904 to Joseph Bruner, administrator of her estate? A You see here it was, her husband thought that she was entitled to half of the land, half of Sarah's allotment and he got Joe Bruner appointed as administrator, still administrator of her allotment.
- Q Then as a matter of fact no filing was made for her in the first part of the year 1900? A It was filed for her by Tahledeggee, that was Sarah Holder, Sarah Tahledeggee and Sarah Bruner.
- Q Mr. Anderson, there appears among the records of this office an affidavit executed February 12, 1902, before one James Case, a Notary Public, signed by and for Chepan Tahledeggee, and it also appears from said affidavit that you, or that one William Anderson and Aug Dold were witnesses to this signature. Do you remember of appearing before said Notary when Chepan Tahledeggee made this affidavit? A What kind of affidavit was that?

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- Q It was an affidavit made on February 12, 1902? A Unless I know the nature of it.
- Q Do you remember of appearing before that Notary with Tahledeggee and August Dold? A No answer.
- Q Mr. Anderson, I will show you the affidavit referred to and ask you if that is your signature as a witness? A Looks like it is my writing; sometimes I put it "W. H.", but the "Anderson" dont make it; I cant say positive whether it is my signature or not.
- Q Is that about the way you sign your name? A Yes.
- Q Does it look like your signature? A "W.H." looks like it is mine, but the "Anderson" runs too long.
- Q Mr. Anderson, will you write your signature on that blank piece of paper? A (Witness complies with request).
- Q Mr. Anderson, is that your usual way of making the "S" that appears in your name you have just written, or do you sometimes make it differently? A I make it sometimes differently.
- Q Will you write your name above there? A (Witness complies with request). My name I never use the middle letter.
- Q Do you usually write your first name "Wm." as is shown in the last two signatures on this piece of paper; do you usually write your first name this way? A I usually use "Wm." for "William" and "W. H." (designating which way).

The paper upon which witness has written his name is entered of record and marked exhibit B.

- Q Do you remember the circumstance of appearing before James Case, Notary, with Chepan Tahledeggee and witnessing his signature? A No sir, dont remember anything of that; remember Jim Case all right, but he aint there any more; dont remember nothing about appearing before him and signing that paper.
- Q Then you dont remember whether this affidavit was read to you or not? A No sir I dont.
- Q Do you know August Dold? A No sir, dont know him.
- Q Ever know a man by that name? A No sir.
- Q Is it likely that you could have witnessed the signature of Chepan Tahledeggee to this affidavit without having it read over? A No sir, I always understand anything before I sign it.
- Q It appears from this affidavit that Josie Bruner died on or about the 15th day of June, 1900. If that statement was read, and you state that you usually have such affidavits read to you before you sign them, wouldnt that be a correct date of death or at least that would be your knowledge of the date at the time you witnessed this affidavit? A No sir, I wouldnt say that, because I would have to know what I sign; any papers that I sign I always understand what it is for and at the same time I make out papers; that witness to the signature, lots of times sometimes do that without reading it over; if it is a case, in land case think I would taken more particular attention to it.
- Q Chepan Tahledeggee was a Creek Indian was he not? A Yes sir.
- Q Did he talk the English language? A No sir.
- Q You talk both the Creek and English do you? A Yes sir.
- Q Did you interpret for Chepan Tahledeggee at any time in business matters? A Well sometimes in small little business

Josie Bruner--12.

- matters, not particularly any amount of business, only just small matters sometimes I would interpret.
- Q Did James Oage talk Greek any? A No sir.
- Q He was a white man was he? A Yes sir.

BY MR. MARRS:

- Q The affidavit you have been testifying about Mr. Anderson which appears to be a death affidavit made by Chepan Tahledages witnessed by yourself and Mr. August Dold signed February the 12, 1902, it is possible that you may have witnessed that death affidavit as to the death of Josie Bruner at that time and may have forgotten it, isn't it? A I can't say; in those cases we never take any particular statement about it, and sign it perhaps like that is; fill it out on a guess most of them; it may have been signed in, don't know, don't recollect anything about it.
- Q This affidavit also states that Josie Bruner was a female child; is that correct? A No, it was a boy.
- Q That has been four years ago since that affidavit was signed last February, the 12th; it is possible that you may have witnessed that signature, isn't it; you may have forgotten it? A I don't remember.

BY MR. LIEBER:

- Q Mr. Anderson, did you ever see Josie Bruner yourself? A Yes sir.
- Q How often did you see him? A Well they come to my house pretty often, but I couldn't say how often and the mother come there pretty often.
- Q Bring the child with her? A Bring the child with her.
- Q You say the land which was filed on for Josie Bruner was land which you had in pasture yourself? A Yes sir.
- Q But it was in excess of land which you could take for yourself and family? A Yes sir.
- Q What improvements were on this Josie Bruner allotment at the time it was filed on for him? A There was a stable, two long stables and a crib of logs put up in good sized building, fences; about one hundred and twenty acres of that allotment and three wire fence around it, it was one fence before survey was made.
- Q Was any portion of that allotment in cultivation? A Only about three acres of it touch any that may be farmed.
- Q What kind of an agreement did you have with Josie Bruner's mother, or his grandfather to filing on this piece of land? A Well, I had one place, had good frame buildings on it, good well, had about sixty acres of land cultivated, fences; I told her to file that for one of her children and file this other place for Josie Bruner, three-quarters of it let me use it one year then they could have it all; one-quarter belonged to Dave Bruner, well cultivated, good buildings on it.
- Q Have you had the use of this land, this of Josie Bruner, since it was filed on for him? A Never used it particularly, sometimes used it for pasture.
- Q Still within your inclosure is it? A Yes sir since that, last two years I leased it for him, about forty-six acres which improvements are on, cultivated.

Josie Bruner--13.

- Q Before you leased it for him did you pay any of his royalties anything for the use of this land during the time that you had it? A Not specially on that allotment; I paid him for the other allotments; Dave Bruner's allotment he got his \$3.00 an acre for it, and Sarah Bruner one part of it I got 25¢ an acre for the grass.
- Q How much did you receive from the Josie Bruner allotment during the past two years? A I have not got nothing for it.
- Q I thought you said you had leased it two years? A Leased it; don't get nothing for it until the time is up, my place turned over.
- Q Did you lease it under authority of the Court? A Not then; didn't require it at that time two or three years ago.
- Q Then the lease which you made has never been approved by the Court? A Don't know whether it has or not.
- Q Lease is always approved when presented to the Court; have you ever presented that lease to the Court for approval? A No.
- Q For what length of time did you lease the place? A For five years.
- Q To whom did you lease it? A Name was W. H. Bridges.
- Q Is he related to you in any way? A No sir.
- Q Has he had any other business transactions with you except to lease this one allotment? Q Well he has got a place I used to live on, that place used to hold, let some parties file on it; this other quarter is joining to it; that is how come he wanted to lease it; I let it go.
- Q What did he give you for making that lease? A This Josie Bruner lease?
- Q Yes? A Nothing.
- Q Has Josie Bruner any heirs living? A Got one living, brother Dave Bruner.
- Q Dave is a minor is he? A Yes sir.
- Q You are his guardian? A Yes sir.
- Q Is Dave the only heir of Josie Bruner? A Yes sir.
- Q Who had you appointed administrator of Josie Bruner's estate? A I don't recollect; it was either old man Chepan Tahledegas or his widow, I don't know which one of those parties, I have forgotten just now.
- Q Have you as guardian of Dave Bruner received a deed, a signed deed, for the use of the Josie Bruner land during the time that it has been allotted to him? A Josie Bruner's land?
- Q Yes? A No sir.
- Q State to the Commissioner what this man Bridges has to do on the Josie Bruner allotment for the use of it for five years? A He is to build a four room house, break out eighty acres of land, fence and put a well on it.
- Q Did you make a written contract with him? A Yes sir, it is filed at the court house at Sapulpa.
- Q You mean recorded? A Yes sir.
- Q He has had the place now two years? A Yes sir.
- Q What has he done on it? A He has got about sixty acres broke out through the bottom, put in cultivation that much, put in cotton, but he hasn't built anything; long as this question came up thought they couldn't build; he was to build; he hasn't put any buildings on it; has broke out about sixty acres of land.

Jessie Bruner--14.

- Q When was he to put the buildings on this land in his contract?
A It wasn't specified; he was to place the improvements
everything in three years from the time it was signed up.
Q Is this man Bridges a white man? A Yes sir.

BY MR. HARE:

- Q Was Mary Thompson a relative of your wife, to your wife?
A Some relation to my wife, Gilla Andersen.

WITNESS EXCUSED.

MARY GRAYSON, being first duly sworn by Henry G.
Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Mary Grayson.
Q Was that your maiden name, Mary Grayson? A Mary Tahledoge
was my maiden name.
Q How old are you? A I don't know.
Q About 40? A I am pretty old, don't know how old I am.
Q Think possibly you are 60, do you? A I guess so.
Q What is your postoffice address? A Sapulpa.
Q You are a citizen of the Creek Nation are you? A Yes.
Q How many times have you been married? A Twice.
Q What was the name of your first husband? A Jim Grayson.
Q What was the name of your second husband? A I was just
married once.
Q Were you ever married to Chepan Tahledoge? A That was my
first husband.
Q Are you married now? A No.
Q What was the name of your last husband? A Jim Grayson or
Chepan Tahledoge, who was the last one? A Jim Grayson
was my last husband; he died the first of this year.
Q When did Chepan Tahledoge die? A He has been dead about
four years.
Q Were you acquainted with Sarah Bruner during her lifetime?
A Yes sir, she was my daughter.
Q Do you know how many children Sarah Bruner had? A Two child-
ren, a little boy; Sarah's boy has been staying with me,
raised Sarah's little boy after his mother died.
Q What was the name of that boy that you refer to? A Dave.
Q Is he living? A He is living.
Q Did Sarah Bruner have any children who are now dead? A One's
dead.

Josie Bruner--15.

- Q What was the name of that child? A Josie.
- Q Was that child a boy or a girl? A It was a boy named Josie.
- Q Do you know where Sarah Bruner was living when that boy was born? A She was living on the other side of me at a man's by the name of Bufaula Harjoe's house.
- Q How far from you? A About three miles.
- Q Do you know where she died? A She died at her sister's.
- Q What was the name of her sister? A Lizzie Sapulpa.
- Q Were you present when her child was born? A Yes, I was present when the child was born.
- Q Were you present when Josie died? A No sir.
- Q Do you know how old that child was when it died? A It was about a year old.
- Q More than a year or less than a year? A I guess it was more than a year old, the child was walking.
- Q Was it able to walk by itself or just cling to chairs? A He could walk alone.
- Q Do you know what year he was born? A I dont know.
- Q Do you know what year he died? A I dont know.
- Q What time in the year did he die, what season, spring, summer, fall or winter? A It died in the fall.
- Q In the fall? A Yes.
- Q Well had they begun gathering crops at the time he died? A He died after the crops were gathered.
- Q Did he die during cold weather? A They were digging potatoes at the time.
- Q Are you sure that he died in the fall or did he die in the summer? A Died in cold weather.
- Q Well, I will ask you this, did the child die after the opening of the land office or do you know? A Died after the land office opened.
- Q How long before the opening of the land office was the child born? A I dont know.
- Q Do you remember when the land office opened here in Muskogee? A Yes, I heard of it.
- Q Do you know the year or month when this child died? A No sir, I dont know.
- Q Are you related to Josie Bruner? A I cant count; I dont know the names of the month or the year.
- Q Are you related to Josie Bruner? A He was my grandson.

BY MR. LIEBER:

- Q Do you remember when the Dawes Commission was out at Okmulgee allotting land? A I dont know.
- Q Werent you down there that fall when they had the land office in a large tent on this side of Okmulgee? A No sir, I wasnt there.
- Q Do you remember when Tahledegue came down here to file for Dave and Josie? A I think he went to Okmulgee I think to file for them.

WITNESSES EXCUSED.

Jessie Bruner--16.

D. H. BUFFINGTON, being first duly sworn by Henry G. Hains, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Dave Buffington.
Q Any middle initial? A D. H.
Q What is your age, Mr. Buffington? A 32.
Q What is your postoffice address? A Sapulpa, I. T.
Q You a citizen of the Creek Nation or any of the nations of the territory? A I am not.
Q What is your business? A Undertaker.
Q How long have you been engaged in that business? A Why, about eight years.
Q And during that time at Sapulpa? A Yes sir.
Q Have you kept a record of the coffins sold by you since you entered into business there at Sapulpa? A I have.
Q Were you acquainted with one Chepan Tahledeggee? A Yes sir, I was; guess that is the name.
Q Was he a Creek Indian? A He was.
Q About how old a man was he? A Well, now, I couldn't say; he must have been about forty or fifty, some place along there; can't hardly tell their ages by their looks, all I had to go by.
Q Did you have certain business transactions with Chepan Tahledeggee? A I did.
Q On how many occasions, or do you remember? A Well I think it is only the one, that is him directly; indirectly I think there is two or three.
Q Indirectly probably two or three? A Himself afterwards I think.
Q Did he come to your store for the purpose of purchasing coffins? A He did.
Q More than once? A Why I don't remember; there was always a crowd come; I don't know.
Q Do you know who came with him? A Why, Bruner I believe, I think it was Arch Bruner.
Q Chepan Tahledeggee spoke the Creek language did he? A Couldn't prove it by me, spoke something.
Q Speak English? A Don't think he could.
Q There has been offered in evidence here what purports to be an order, which is dated June 3, 1902, and appears to have been made on the letter head of Buffington Brothers of Sapulpa, Indian Territory. The order reads as follows:

"Mr. Willy Anderson

Please pay to the order of Buffington Bros. Eight Dollars (\$8.00) and interest from Aug 2, 1900 to date.
Note No. 6."

signed by mark "Chepan Tahledeggee", "witness Archie Bruner". At the bottom of said note in pencil appears the figures "\$9.40".

Josie Bruner--17.

- Do you remember at any time having seen this note which I now show you? A That is evidently my handwriting.
- Q Do you remember the transaction that it refers to? A Yes sir
- Q What was the purpose of this note? A Purpose of that note was to secure me.
- Q For what? A For a coffin.
- Q Who bought that coffin? A Well, that man Tahledeggee did, whatever his name is.
- Q Who did he buy it for? A For his child.
- Q How do you know? A Well, I couldnt swear how that may have been, but that is the supposition that he bought it for his child.
- Q Could he have bought it for someone else's child? A Of course he could have.
- Q Did he state to you that it was for his child? A Why, Bruner did I believe.
- Q It is not a question of your belief, it is a question of your knowledge; did Chepan Tahledeggee tell you that that coffin was purchased for his child? A He couldnt have told me himself, because I couldnt have understood him; I dont remember the interpreter, about him.
- Q You dont remember now? A Yes.
- Q Who was the interpreter? A I think it was Bruner.
- Q Archie Bruner? A I think so, yes sir.
- Q Have you a record of that transaction in any book? A Yes sir.
- Q Have you that book with you? A I have. If you will notice the name is misspelled; it was written afterwards.
- Q There is presented as evidence a book, and on the cover appears the wording, initial "S", initial "K" ledger; in this book, page 90, first, right, at the top of the page, certain charges debited to one Frank Gilbert, and the second entry on said page shows the following:

	"Tallikeeka Capa	
July 2	One coffin No 1 3/0	7.00
" "	" box	1.00
1902	Note No. 6	
June 14	Cr. by cash and interest Anderson	9.60*

- Q This entry that is just referred to, can you explain what it means? A I think so.
- Q I would like to have your explanation as to the meaning of that entry? A I dont know what the meaning of it is, but it has reference to the one which is charged to, and those (pointing to figures) are items for itemized payments.
- Q When did you make that entry in that book? A July second.
- Q Is that your original entry book, or day book, or is it your ledger? A Ledger at the time.
- Q Did you make entries on a sheet of paper, or on a day book, and then transfer them to this one? A To that direct on this book.
- Q Is that your practice at the present time? A Not on this book, but on another.
- Q You have no such thing as a day book? A Not for this part of the business.

Josie Bruner--18.

- Q Do you remember anything about that transaction? A Yes sir.
- Q Was your memory been refreshed lately in regard to that transaction by anyone, or do you actually remember that transaction by yourself? A Why of course it has been refreshed Reason I remember it so distinctly old man was pretty near dead that summer after that and I went to see him about the account.
- Q What old man? A This Tallikeeka or Tahledeggee or whatever it was.
- Q Father of the child? A Father of the child
- Q Do you know that he was the father of the child? A No I dont.
- Q Did he ever tell you that he was the father of the child? A He referred to it as his child.
- Q You remember that do you? A Yes I think so; you cant tell so far back; have these things every day nearly; couldnt swear whether it was his child or not; talked so poor when he did talk.
- Q Could that entry referred to, could the name at the head of that entry refer to someone else than Chepan Tahledeggee? A No, I think not.
- Q Have you had transactions with other fullblood Creek Indians? A Yes sir, lots of them.
- Q You have had transactions with Chepan Tahledeggee other than that, have you not? A No sir, not that I remember of, only with this estate of his, only with some of his people.
- Q You refer to members of his family that have died since that time? A I refer to him himself; he has died since that time.
- Q Can you refer to that entry that you made on that book same day that he purchased that coffin of you? A Referring to my books, yes sir.
- Q Have you ever delayed a day or two on making the entry on your books? A Not where they come in and take the goods right out.
- Q You never have? A Not where I sell it myself, that is my handwriting.
- Q Could they have been sold by someone else in your store? A No.
- Q Can you state positive that you did sell that coffin yourself to this man? A Yes sir, I can.
- Q You personally made that transaction with that Indian? A I personally made that transaction.
- Q Do you know who that certain coffin was purchased for? A Just as I told you a while ago, how can I tell?
- Q Do you remember anything about the transaction, in regard to whether it was stated as to how old he was, stated that that coffin was bought for? A No I dont.
- Q Was that coffin, was it for a small child? A Small, it was only three feet long.
- Q How old are children as a rule that you furnish three feet coffins for? A Why about five years, four or five; of course they vary a little; these Indians dont take the correct measure lots of times; cant tell nothing about their measurements.

Josie Bruner--19.

- Q Can you remember the circumstances in regard to any other entries in this book where your handwriting appears?
A Why generally it depends on how much trouble I have getting my money sometimes.
- Q Have you got your money for the sale of the coffin we now refer to? A Yes sir.
- Q Who paid you that money? A Anderson.
- Q When did he pay you? A July according to the books.
- Q July what year? A 1901 and two; I couldnt say just when; 1902 I think, but of course I had the advantage of looking at the books just a while ago.
- Q What length of time was it, how long after the coffin was made before it was paid for? A I had the advantage of looking at the book of course, it is about two years, in the neighborhood of that.
- Q I would like to ask you again on the point as to your custom in making the entries as to business transactions? A Why we have a funeral record since then, regular funeral record, that is all on it.
- Q At the time this entry was made you didnt have a regular funeral entry? A Regular funeral entry, no.
- Q Has it ever been your custom to make pencil notes or pen notes of a transaction by you in the city and after several hours or after a day or two or later put it in a ledger?
A Yes sir, where I am called away from home to do work, but it is only when I settle it in the house make the entry.
- Q Do you mean that you cant swear positively that the entries in this book were all made where they appear in your handwriting all on the same day that was made? A No sometimes when I made one I just made notes in a little book.
- Q You mean to say that when you are not called away from home that the entries are all made and invariably made on the same day the transaction has been made? A It has been my custom.
- Q It has been your custom, but would you swear that you have always done it? A Where they have come in the shop I have always done it, so far as I know.

BY MR. LIEBER:

- Q Mr. Buffington, what size of coffin is ordinarily purchased for a child a year old? A About two foot three.
- Q This was a three foot coffin? A Yes sir, was a three foot.

BY MR. MARS:

- Q Suppose you didnt have a two foot three coffin in the house then? A You cant go much on that.

Case continued until two o'clock.

CASE CONTINUED.

BY MR. MARS:

- Q Mr. Buffington, the original entry on Page 90, in your ledger, dated July 2nd, 1900, is the entry that you made on your book at the time that you sold Chepan Tahledgee a coffin for a child? A As near as I know, Yes.
- Q I will ask you to state whether or not the paper I now hand you is a true and perfect copy of Page 90 of your book of original entry kept in the year 1900? A It is as near as You could make it off hand.
- Q Did you have said book before you at the time you made this sheet? A I did.
- Q When was it made? A October 18th, 1900.
- Q Where? A Muskogee.
- Q In what office? A Office of the Daves Commission.
- Q Please examine the exhibit referred to both as an order and a note in this testimony and state whether or not the figures \$9.60 in pencil mark are your figures? A Why, it looks to be.
- Q What does that include? A That includes the account with interest.
- Q What was the original account? A \$8.00.
- Q And interest, how much? A It would make a dollar sixty.
- Q At what rate would that be? A About ten percent.
- Q Was that the legal interest in the year 1900, one and two? A I dont know; that question came up way long after that; we thought it was large that time, but I guess it wasnt now; we found out different.
- Q For what purpose was this order dated June 3, 1902, given to you by Chepan Tahledgee? A To get my money out of the administrator.
- Q Administrator of whom? A Of this child of his I guess.
- Q You dont know whether it was his child or his grand-child? A Supposed to be his child.
- Q At the time this note referred to in this order as "No. 6" and on the ledger, a copy of which you filed, was given to you, what was the date of the note, and when was it due? A It should have been given the second, and it was due I dont know when, sometimes give thirty, sometimes sixty, sometimes ninety days, cant tell about this when due.
- Q Did you take the note on the day you sold the coffin? A I think so.
- Q Dated the same day account was made? A Dated thirty days without interest.
- Q You say you took a note from these people on the same day the coffin was purchased Mr. Buffington? A I think so; dont know; think we did though.
- Q Is it your practice when you take a note for a transaction at a time a sale is made to also enter that transaction up in your ledger; is that the practice? A It is now, but wasnt at that time.
- Q Then if you had taken a note in payment of this coffin purchased from you on the second of July, 1900, you would, you would not have made an entry of it in your ledger would you? A Probably not in this one at that time; just simply says "Note No. 6"; does not say when it was had nor when it was given.

Josie Bruner--21.

- Q Pencil mark means note was given? A Note No. 6 means when it was given.
- Q Dont remember when it was given? A I dont know; it must have been given on that date, general conditions so require now.
- Q Th s order referred to and the note referred to in the order were paid to you on the date shown by the entry on your ledger June 14, 1902 by William Anderson? A Yes sir.
- Q Same man who testified here today? A Yes sir, same William Anderson.
- Q Did you know Archie Bruner in his lifetime? A I did.
- Q Do you know how long since he died? A I cant tell by this book no.
- Q About when did Archie Bruner die? A Been about a month to the best of my recollection.
- Q Did you furnish the coffin for Archie Bruner? A I did.
- Q Do you know from memory with what disease he died? A Tuberculosis.

BY THE COMMISSIONER:

- Q Did you make an entry of the date of the death, or the date on which you sold a coffin for Archie Bruner deceased? A I do.
- Q When did you make that? A I made it the day he died.
- Q Is that entry in this ledger that you have introduced here? A No sir.
- Q Are there entries in this ledger for the year 1906? A I think so, satisfied there is, know there is.
- Q When did you begin using the regular funeral record that you have referred to? A Well I dont just remember exactly; last one was entered up in this book was on September 10, 1905; next day after that was entered up in the funeral record.
- Q You mean to say that you had never used the new funeral record until September of this year? A I do.
- Q And no entries have gone into this book since the time that you first got that? A Not a one.

WITNESS EXCUSED.

WILLIAM ANDERSON, being recalled, testifies as follows:

BY THE COMMISSIONER:

- Q Did you know Archie Bruner? A Yes sir.
- Q Where is he now? A He is dead.
- Q How long has he been dead? A Well, been about three weeks or a month, I dont know exactly.
- Q What was the cause of his death? A He had consumption a good while.
- Q Do you remember in July, 1906, of Archie Bruner making an

affidavit in the office of Mars & Mars, at Sapulpa, for him; tell how you remember that circumstance? A I remember; dont recollect date when it was.

Q How long has it been; what year was it in? A It has been this year.

Q Do you know why Archie Bruner made this affidavit, at whose request? A Well he was sick; he was the main witness to this case; he was sick, he was getting weaker every day, and he was the most important witness in this case, and I thought he wouldnt live to be a witness, so I caused him to make this affidavit what he know about this case.

Q Was that all the Archie Bruners that you know of that lived in that community; was there any other Archie Bruner? A No, that is all the Archie Bruners.

Q I will ask you whether or not you know about now, you know that the affidavit herewith offered in evidence made by Archie Bruner on the 21st day of July, 1906, was read over to him, or did he read it himself? A Archie Bruner?

Q Yes? A No sir, just come in; I just asked him on the street to go to Mars & Mars office to make this affidavit, and afterwards he told me he made it; I dont know what he did, nothing about it.

Q Was that the same day that he made the affidavit? A Same day I asked him to make it; I asked him before to come down when the case was called up, to come down here; case never come up; he was getting weaker all the time; asked him one day in the street to go to Mars & Mars office and put in affidavit, and said he would do so; right afterwards told me he was up there and made affidavit in regard to what he know about the case.

BY MR. MARS:

We desire to file affidavit of Archie Bruner; also affidavit of Jennie Ispokegee.

BY THE COMMISSIONER:

The affidavit of Archie Bruner referred to is filed herewith and made part of the record in this case.

BY MR. LIEWER to the witness:

Q You say Archie Bruner died about a month ago? A Yes sir, somewhere along there.

Q How long was he sick in all before he died? A Well I dont know; I think he was sick about two weeks in bed; been growing pretty weak all the time, been in bed two or three weeks.

Q Prior to the time that he took to his bed, just before he died, was he walking about? A Yes sir, he walked about, would go about his place, rode around all the time.

Q Do you know of any reason why he would not have appeared before the Commission here and given his testimony on the 21st day of July, 1906, at the time he made this affidavit?

A Well we had no certain time to appear before the Commission.

Jessie Bruner--23.

and he was getting weaker all the time; I didnt think he was going to live very long, so I thought it would be best to get his affidavit whatever he would make; that is the reason I asked him.

- Q You knew at the time this affidavit was made that you had prior to that time filed before the Commissioner here a petition to reopen this case, didnt you? A Yes sir.
- Q Did you notify the attorney for the Creek Nation of your intention to take the evidence of Archie Bruner in this case? A No sir.
- Q Who is James J. Mars, the Notary Public, before whom this affidavit was made? A That is the man there.
- Q He is one of the attorneys in this case, is he not? A Yes sir.

Statement by Mr. Lieber.

The Creek Nation objects to the introduction of this affidavit, for the reason that it was made at a time when the petition to reopen this case was pending, and no notice was given to the attorney for the Creek Nation of the intention to take the evidence of this witness. Its introduction is objected to for the further reason that the affidavit is made before James J. Mars, a Notary Public, who also appears as one of the attorneys of record in the case.

BY THE COMMISSIONER TO attorney for the applicant:

- Q Mr. Mars, are you a Notary Public at this time? A Yes sir.

Statement by the witness, William Anderson.

I went to Mott's office and he referred to this man Hastain to look after the matter; he said he would work against these cases to work for the Creek Nation, to keep the names off the roll entered by fraud, but at the same time he would look after it; so I went to him; he went to the office here, and said Mars & Mars had it started, case would be reopened, and I would have hearings.

BY MR. LIEBER:

- Q This conversation you are talking about now is a conversation you had with Mr. Mott after you had already employed Mars & Mars as attorneys in this case; you had that talk with him Mr. Mott after you had already employed Messrs. Mars & Mars to handle this case, didnt you? A Didnt say nothing about handling the case in here, asked if it would be reopened or not.
- Q You mean you had attorneys Mars & Mars make out papers, didnt you? A Yes sir.
- Q And after you had papers made out you went to Mr. Mott? A Afterwards the papers were made out; Frank Mars told me that he had something to do with these papers. Delay was so

Josie Bruner--24.

long, couldn't hear nothing from anywhere, just thought I would come to the chief attorney; I went to attorney Mott and he told me his business was to hear those to be enrolled and at the same time to help those that wanted to enroll; I never had any attorney, said to get somebody to look over the papers, to go to Hastain, he was pretty good; he come over here, he said Mars & Mars had started about right and he thought the case would be reopened, be possible to reopen it.

Q Did you ever notify Mr. Mott that you was going to take the affidavit of Archie Bruner as evidence in this case before?

A Yes sir, I told him I had several witnesses that I was going to introduce, only I got that affidavit because he couldn't live.

Statement by Mr. Lieber.

The introduction of the Archie Bruner affidavit is objected to for the further reason that the affidavit appears to be incorrect, in that it states that the affiant attested to mark of Chepan Tahledgee on the 2nd day of July, 1900, when the order which has been introduced in this case, marked exhibit A, and to which the affiant refers as having attested the signature of Tahledgee, was made on the 3rd day of June, 1902.

BY THE COMMISSIONER:

There is also offered in evidence by attorney for the petitioner, the affidavit of Jennie Isapekgee. The same is filed with and made a part of the record herein.

BY MR. LIEBER:

The Creek Nation objects to introduction of this affidavit, for the reason that no reason has been shown why the affiant can't appear in person before the Commission.

BY MR. MARS:

I don't offer any resistance to that objection, because I expect to bring her here as soon as she is able to come with her children; she has three small children who are not able to come at this time.

BY THE COMMISSIONER to the witness:

Q Mr. Anderson, do you know how many children Chepan Tahledgee had? A Why, he has got three.

Josie Bruner--25.

- Q He has got three that are now living? A Yes sir.
Q Do you know how many children he had that are dead? A No sir, I dont.
Q Do you know whether he ever had any children that died?
A I dont know; I dont think he has any dead; never heard of it if he did.
Q Has any of th his children any children? A No, all small.
Q Is Millie Tahledegge living? A Yes sir.
Q She married? A She is married now; she is about sixteen years old.
Q Has she had any children? A No.
Q Do you know how many times Chapan Tahledegge has been married?
A No sir, I dont.

BY THE COMMISSIONER to the attorney for the applicant:

- Q Mr. Mars, I would ask whether you are now a Notary Public?
A Yes sir, but I expect to resign at once.
Q The fact that you are now a Notary Public bars you from practice before this Commission, and we cannot consider you as an attorney in this case. You have been allowed to question the witnesses here today under the mistaken impression that you are not a Notary Public, but from your admission and until you take the act that you say you contemplate doing, we cannot consider you an attorney of record. A Well, I expect to resign at once.

WITNESS EXCUSED.

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 18, 1906, and that the above and foregoing is a transcript of her stenographic notes taken in said cause on said date.

Cora Moore
Subscribed and sworn to before me December 8, 1906.

Edward Merriam
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of Josie Bruner, deceased,
as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that the name of Josie Bruner appears on a partial roll of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, March 13, 1902, opposite number 2920 and that said name was later stricken from said roll by authority of Departmental letter of June 13, 1904, (I.T.D. 4750-1904).

The record in this case further shows that on April 19, 1906, there was filed with this office, the petition of William Anderson to reopen this matter, together with several affidavits in support thereof, and that said motion was granted by the Department September 6, 1906. Testimony was taken in this case on October 18, 1906, a copy of which, together with the affidavits of Archie Bruner and Jennie Ispocogee, and certain memoranda purporting to show the date on which a casket, for the burial of Josie Bruner, was bought, are attached to and made a part of the record herein.

It appears from the evidence and the records in the possession of this office that the applicant Josie Bruner, is the deceased child of Eli Bruner and Sarah Bruner, a citizen by blood of the Creek Nation, who under the name of Sarah Holden appears on a partial schedule of citizens by blood of said Nation, approved by the Secretary of the Interior on January 8, 1904, opposite number 9795.

It appears from the weight of the evidence that ~~that said~~ Josie Bruner was born in the month of June 1899, that he was living on July 1, 1900, and died on July 2, 1900.

It is, therefore, ordered and adjudged that the said Josie Bruner is entitled to be enrolled as a citizen by blood of the Creek Nation under the provisions of the Act of Congress approved June 30, 1902 (32 Stat., 500), and the petition to have his name reinstated on the approved roll of citizens by blood of said Nation is hereby granted.

Muskogee, Indian Territory.



COMMISSIONER.

Jan 30 - 1907

Cr. En. 1068.
C. I. 901.

U.S.C.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of Josie Bruner, deceased,
as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that the name of Josie Bruner appears on a partial roll of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, March 13, 1902, opposite number 2920 and that said name was later stricken from said roll by authority of Departmental letter of June 13, 1904, (I.T.D. 4750-1904).

The record in this case further shows that on April 19, 1906, there was filed with this office, the petition of William Anderson to reopen this matter, together with several affidavits in support thereof, and that said motion was granted by the Department September 6, 1906. Testimony was taken in this case on October 18, 1906, a copy of which, together with the affidavits of Archie Bruner and Jennie Ispecokee, and certain memoranda purporting to show the date on which a casket, for the burial of Josie Bruner, was bought, are attached to and made a part of the record herein.

It appears from the evidence and the records in the possession of this office that the applicant Josie Bruner, is the deceased child of Eli Bruner and Sarah Bruner, a citizen by blood of the Creek Nation, who under the name of Sarah Holden appears on a partial schedule of citizens by blood of said Nation, approved by the Secretary of the Interior on January 8, 1904, opposite number 9795.

It appears from the weight of the evidence that the said Josie Bruner was born in the month of June 1899, that he was living on July 1, 1900, and died on July 2, 1900.

It is, therefore, ordered and adjudged that the said Josie Bruner is entitled to be enrolled as a citizen by blood of the Creek Nation under the provisions of the Act of Congress approved June 30, 1902 (32 Stat., 500), and the petition to have his name reinstated on the approved roll of citizens by blood of said Nation is hereby granted.

Muskogee, Indian Territory.

COMMISSIONER.

Jan 30 - 1907

United States of America,
Western District,
Indian Territory.

Archie Bruner, being first duly sworn, states that he is 55 years of age, that his post office address is Sapulpa, Indian Territory, that on that 3 day of June, 1902, he was living near Sapulpa, Indian Territory, that he was acquainted with Josie Bruner during her life time, and knew her grandfather, Chepontahladagee, that on the 2nd day of August 1900, he attested the mark of Chepontahladagee, the grand father of Josie Bruner, to an order signed by Chepontahladagee directing William Anderson, to pay the Buffington Brothers the sum of eight dollars (\$8.00 being for a note given by Chepontahladagee to Buffington Brothers, for the casket of Josie Bruner.

That Josie Bruner died, to the best of his recollection on the 2nd day of July 1900 and that he knows of his own knowledge, that the order given by Chepontahladagee and witnessed by Archie Bruner, affiant, herein, was for the casket of Josie Bruner.

Archie Bruner

Subscribed and sworn to before me on this the 21 day of July, 1906.

James D. Ware
Notary Public.

My commission expires

May 7th 1908.

No. _____

Petition by William Anderson,
Administrator of the Estate of
Josie Bruner, asking leave to
have the name of Josie Bruner
reinstated upon the Rolls of
the Creek Nation, Ind. Ter.

"Copy"

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED


COMMISSIONER

Harris & Harris, Sapulpa, Ind. Ter.
Attys. for Petitioner.

"Copy"

Your petitioner files also a copy of the petition for administrator of said estate, and attaches it to and makes it a part of this petition, BEFORE THE INTERIOR DEPARTMENT, ENROLLING DIVISION, marked exhibit "A".

OF THE CREEK NATION, INDIAN TERRITORY.

Your petitioner further states that on the 22nd, day of February, 1904, he filed his inventory of the estate of Josie Bruner, and that said inventory was filed in the matter of the Enrollment of lands of the Creek Nation, Indian Territory, of Josie Bruner, a Citizen of the Creek Nation, Indian Territory, west quarter of section twenty-eight (28) township nineteen (19) north, range eleven (11) east, also an appraisement of said estate, by HONORABLE T. M. AIXEY, COMMISSIONER IN CHARGE, executed on the 30th, day of January, 1904.

Comes now your petitioner, William Anderson, and in the matter for the enrollment of Josie Bruner, states that on the 12th, day of June, A.D. 1903, he filed his petition in the United States Court for the Western District of Indian Territory, at Sapulpa, to administer upon the estate of Josie Bruner; that said petition was executed on the 21st, day of July, 1900, Chepon Tahladage, grand-father of Josie Bruner, purchased the coffin of them as shown by exhibit "B", which was attached and made a part of said petition, being sworn affidavit of J. V. Buffington. Bruner, said petition being as follows, to-wit:

Your petitioner also files affidavit supporting this petition showing the death of Josie Bruner on the 2nd, day of July, 1900, and also

files a copy of his petition for appointment as administrator which is United States of America, Eastern District of United States, Court at Sapulpa, as being the 2nd, day of July, 1900, and marked exhibit "A".

Your petitioner further states that I, Mary Grayson, formerly known as Mary Tahladage, give this my written consent for one William Anderson, a citizen of the Creek Nation, to be appointed administrator of the estate of my deceased daughter, Sarah Bruner, and the estate of Josie Bruner, my grand-son, and who was the son of Sarah Bruner, and the estate of Chepon Tahladage, deceased. Said estates consists of a quarter section of land each, and their rights as Creek Citizens. Said lands being respectively, the West 1/2 of south west quarter of section 28, township 19 north, range 11 east, and the south west quarter of section 28, township 19 north, range 11 east, and the north east quarter of section 9, township 19 north, range 11 east, and I respectfully ask the court to appoint the said William Anderson, as administrator of said estates for the reason that I am not physically able to look after said estates, and for the further reason that I do not speak, read, write or understand the English language.

In witness whereof, I hereunto subscribe my name on this 22nd, day of April, 1903, at Sapulpa, I received my name from the Commission of the United States to the Creek Nation, Mary (X) Grayson. (S. L. C.)
 William Anderson
 Virginia Hanna
 Subscribed and sworn to before me on this 22nd, day of April, 1903, at my Office in Sapulpa, I.T.

My Commission expires July, 11, 1903.
 My Commission expires July, 11, 1903.
 estate be allowed an opportunity to furnish satisfactory evidence by competent witnesses that Josie Bruner, deceased, was entitled to an allotment of lands in the Creek Nation, Indian Territory,

2.

3.

Your petitioner files also a copy of the petition for administrator of said estate, and attaches it to and makes it a part of this petition, marked exhibit "A".

Your petitioner further states that on the 22nd day of February, 1904, he filed his inventory of the estate of Josie Bruner, and that said estate consists of an allotment of lands of the Creek Nation, Indian Territory, the same being the south west quarter of section twenty-eight (28) Township ~~thirteen~~ ^{thirteen} North, Range Eleven (11) East, also an appraisement of said estate by J.H. Land, J.W. Shadrick, and Timmie Fife, which was executed on the 30th, day of January, 1904.

Your petitioner would further respectfully show unto your Honor that the Records of Buffington Brothers, as Undertakers and Embalmers, of the town of Sapulpa, Western District of Indian Territory, shows on page ninety (90) of their records for the year of 1900, that on the 2nd day of July, 1900, Onepa Tahladege, grand-father of Josie Bruner, purchased the coffin of them as shown by exhibit "B", hereto attached and made a part of this petition, being sworn affidavit of J. W. Buffington.

Your petitioner also files affidavits supporting this petition showing the death of Josie Bruner as being the 2nd, day of July, 1900; and also files a copy of his petition for appointment as administrator which is on record in the United States Court at Sapulpa, as being the 2nd, day of July, 1900, and marked exhibit "A".

Your petitioner further states that the reason Mary Grayson or your petitioner as administrator of said estate showing the date of the death of Josie Bruner are as follows:

First, That neither Mary Grayson, the grand-mother of Josie Bruner, or your petitioner never received any official notice that her citizenship or right of allotment in the Creek Nation was ever questioned, and that they believed satisfactory evidence of her right to an allotment had been furnished.

Second, That they had not received any Official notice from the Commission to the Five Civilized Tribes that the name of Josie Bruner had been stricken from the Creek Rolls.

Wherefore, your petitioner prays that he as administrator of said estate be allowed an opportunity to furnish satisfactory evidence by competent witnesses that Josie Bruner, deceased, was entitled to an allotment of lands in the Creek Nation, Indian Territory,

5.

EXHIBIT "A".

And that the name of Josie Bruner be reinstated upon the rolls of the Creek Nation, and that the lands formerly selected for him as hereinbefore described, be set aside for him.

UNITED STATES OF AMERICA,

SS.

William Anderson.

IN THE DISTRICT COURT OF THE
UNITED STATES OF AMERICA,
Western District,
Indian Territory.

SS

William Anderson says that to the best of his knowledge and belief, the value of the estate of Josie Bruner, deceased, who died in said District of the Indian Territory, in which he was a resident on the 1st day of July, 1900, is five hundred dollars (\$500.00) upon his oath according to law, states that he has read over the foregoing

petition, and believes the statements and representations therein to be true. Josie Bruner is the only living heir to the estate of the deceased, Josie Bruner, whose post-office address is Sapulpa, and that your petitioner is a citizen of the Creek Nation, Indian Territory, and the lawful guardian of the estate of the deceased Josie Bruner, deceased, and that the estate of the deceased Josie Bruner, consists of a quarter section of land, and the rights of a Creek citizen; said lands being the north west quarter of section 34, township 19 north, range 11 east, of the Creek Nation, Indian Territory, and containing 160 acres. Subscribed and sworn to before me on this 15th day of April, 1906.

That he is a resident of the Western District, and that his post-office address is Sapulpa, and that said lands are located near Sapulpa, and that Sapulpa is the most convenient place to attend court in the Western District. Therefore your petitioner respectfully asks the court to be appointed administrator of the estate of the deceased; and that said Josie Bruner died without a will, and that he will make a true and perfect inventory of all and singular the goods, chattels, rights, credits and effects of the said deceased, and faithfully administer over the same and pay the debts due thereon, as the assets which may come to his hands, may extend under the law direct; that he will account for and pay over according to law, all assets which shall come to his hands or possession until finally ordered.

I, H.L. Mott, Creek Attorney, for the Creek Nation,

Indian Territory, hereby accept service of the within and foregoing described and sworn to before me on this 15th day of April, 1906, Petition and the Affidavits thereto attached, on this 16th day of April, A.D. 1906.

My commission expires on the 11th day of July, A.D. 1906.

H.L. Mott
Creek Attorney

EXHIBIT "A".

APPLICATION FOR ADMINISTRATION.

UNITED STATES OF AMERICA,

WESTERN DISTRICT,

SS.

INDIAN TERRITORY.

William Anderson says that to the best of his knowledge and belief, the value of the estate of Josie Bruner, deceased, who died in said District of the Indian Territory, in which he was a resident, on the 2, day of July, 1900, is five hundred dollars (\$500.00)

That Dave Bruner is the only living heir to the estate of the deceased, Josie Bruner, whose post-office address is Sapulpa, and that your petitioner is a citizen of the Creek Nation, Indian Territory, and the lawful guardian of Dave Bruner, sole heir to the estate of Josie Bruner, deceased, and that the estate of the deceased, Josie Bruner, consists of a quarter section of land, and the rights of a Creek Citizen; said lands being the south west quarter of section 28, township 19 north, range 11 east, of the Creek Nation, Indian Territory, and containing 160 acres.

Said lands are unimproved and used principally for grazing purposes.

That he is a resident of the Western District, and that his post-office address is Sapulpa, and that said lands are located near Sapulpa, and that Sapulpa is the most convenient place to attend court in the Western District. Therefore your petitioner respectfully asks the court to be appointed administrator of the estate of the deceased; and that said Josie Bruner died without a will, and that he will make a true and perfect inventory of all and singular the goods, chattels, rights, credits and effects of the said deceased, and faithfully administer over the same and pay his debts so far, as the assets which may come to his hands, may extend and the law direct; that he will account for and pay over according to law, all assets which shall come to his hands or possession until finally discharged.

Wm. Anderson

Subscribed and sworn to before me on this 21st, day of April, 1903.



F. L. Mars, Notary Public.

My commission expires on the 11, day of July, A.D. 1906.

Notary Public.

EXHIBIT "B".

United States of America, •
Western District, •
Indian Territory. •

SS

John Buffington of lawful age, being first duly sworn upon his oath according to law, states that he resides in Sapulpa, Western District of Indian Territory, and has for the past eleven years; that he is and has been engaged in the Undertaking Business for the past eight years; that he has examined his records and on page ninety (90) of his records of 1900, the name of Taklikeeka Capa, or Taladege appears; that his records further show that a coffin #1, size three feet and box, was purchased on the 2nd, day of July, 1900; that he has known of these people prior to that date, and knows them to be the parties who purchased the coffin; that the same was paid for by William Anderson, Administrator, on the 14th, day of June, 1902, \$9.00.

Affiant further states that William Anderson and his Wife, Cilla Anderson, and Mary Burner have examined his records in regard to this matter at different times.

Affiant further states that this coffin was for some of the Taladege children, but does not know the name of the child.

Affiant further saith not.

J. W. Buffington

Subscribed and sworn to before me on this 10th, day of April, 1906,
at Sapulpa, Western District of -Indian Territory.

My commission expires Jan. 19th 1910

Myrtle Walden
Notary Public.

EXHIBIT "C"

United States of America,
Western District,
Indian Territory.

} SS.

Mary Grayson, being first duly sworn upon her oath according to law, states that she is forty-six (46) years of age, and that Sapulpa is her post-office address; that she was the wife of ~~John Bruner, and the mother~~ of Sarah Bruner, Sarah Bruner being the mother of Josie Bruner; that on the 2nd, day of July, 1900, Josie Bruner died, and that after his death her husband, Chepon Tahladege, and William Anderson went to Sapulpa and bought a coffin of Buffington Brothers; that prior to the death of Josie Bruner, July, 2nd, 1900, her husband, Chepon Tahladege, now deceased, appeared before the Daws Commission and selected an allotment for Josie Bruner, the same being the south west quarter of section twenty-eight (28) township nineteen (19) north Range eleven (11) east, of the Creek Nation, Indian Territory.

Affiant further states that on the 22nd, day of April, 1906, she signed a petition of consent for the appointment of William Anderson as administrator of the estate of Josie Bruner, a copy of said petition being set out in the petition of William Anderson in connection herewith.

Affiant further states that she never received any notice from either the Daws Commission or any other person connected with the Interior Department, that the name of Josie Bruner had ever been questioned, nor that it had ever been stricken from the Creek rolls, and therefore she respectfully prays the Honorable Commissioner that she be given an opportunity to be heard in this matter; that she has good and competent witnesses to prove by satisfactory evidence that the said Josie Bruner was living on the 2nd, day of July, 1900, and entitled to his allotment in said nation.

her
Mary (X) Grayson,
mark

Subscribed and sworn to before me on this 10th, day of April, 1906.

Myrtle Walden, Notary Public.

My commission expires Jan. 19, 1910.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
 of Josie Bruner, born on the 28th day of June, 1899
 (Here insert name of child)
 Name of Father: Eli Bruner a citizen of the Creek Nation.
 Name of Mother: Sarah Bruner a citizen of the Creek Nation.
 Post-office Sapulpa, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,
Northern District.

I, Lehepen Tahladaga, on oath state that I am 40
 years of age and a citizen, by blood of the Creek Nation;
 that I am the lawful wife of Eli Bruner, who was a citizen, by
blood, of the Creek Nation; that a male child was
 (Male or female)
 born to me on 28th day of June, 1899; that said child has been named

Josie Bruner, and is now living. That said mother was a full
blood Creek citizen; that both the father and mother are now dead, and that said Josie Bruner is now living with

WITNESSES TO MARK:

(SIGNED) W. H. Lytle
 Must be Two
 Witnesses. (SIGNED) J. H. Lynch

(SIGNED) Lehepen Tahladaga
man

Subscribed and sworn to before me this 31st day of May, 1900.

(SIGNED)

James Dixie
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,
 District.

I, _____, on oath state that I at-
 tended on Mrs. _____, wife of _____
 on the _____ day of _____, 18____; that there was born to her on said
 date a _____ child; that said child is now living and is said to have been named
 (MALE OR FEMALE)

WITNESSES TO MARK:

Subscribed and sworn to before me this _____ day of _____, 1900.

NOTARY PUBLIC.

Card 90/20

IN RE

Application for Enrollment of

INFANT CHILD

David Skinner

as a citizen of the

Creek

Nation.

Approved, May 31 1900.



ACTING CHAIRMAN

Commissioner.

David Skinner

the owner of

the land

6

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
 of Dave Bruner, born on the 16th day of June, 1897
 (Here insert name of child.)
 Name of Father: Eli Bruner, a citizen of the Creek Nation.
 Name of Mother: Sarah Bruner, a citizen of the Creek Nation.

Postoffice, Saguela, Santa Fe

Grandfather

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY.
Cherokee District.

I, Chiqua Tahladege, on oath state that I am 45
 years of age and a citizen, by blood, of the Creek Nation;
 the father of Sarah Bruner who was
 that I am the lawful wife of Eli Bruner, who was a citizen, by
blood, of the Creek Nation; that a male child was
 (male or female)
 born to me on the 16th day of June, 1897; that said child has been
 named Dave Bruner, and is now living; that said
 father and mother were both citizens of the Creek Nation
 and are both dead, and that said Dave Bruner is now living
 with me.

(Must be Two
 Witnesses.)

W. T. Angel Chiqua x Tahladege
J. Lynch mark

Subscribed and sworn to before me this 24th day of May, 1900.

NOTARY PUBLIC.
Acting Chairman

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY.
 District.

I, _____, a _____, on oath state that I
 attended on Mrs. _____, wife of _____
 on the _____ day of _____, 1900; that there was born to her on
 said date a _____ child; that said child is now living and is said to have been
 (male or female)
 named _____

WITNESSES TO MARK:

(Must be Two
 Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 1900.

NOTARY PUBLIC

Card #401

20

IN RE

Application for Enrollment of

INFANT CHILD.

Leah Tahla dege

As a citizen of the

Creek

Nation.

Approved *Oct. 5-* 1901



ACTING CHIEF Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
 of Cable Talladega, born on the June day of 1878.
 Name of father: Chepau Talladega, a citizen of the Creek Nation.
 Name of mother: Mary Talladega, a citizen of the Creek Nation.
 Post Office: Sapulpa, Indian

AFFIDAVIT OF ^{Father.} MOTHER.

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, }
 Northern District. }

I, Chepau Talladega, on oath, state that I am 45 years of age and a
 citizen, by blood, of the Creek Nation; that I am the
 lawful ^{husband} ~~site~~ of Mary Talladega who is a citizen, by blood, of the
Creek Nation; that a male child was born to her on the — day
 of June, 1878; that said child has been named Cable Talladega,
 and is now living.

Subscribed and sworn to before me this 5th day of October, 1878.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, }
 Northern District. }

I, William Anderson, a neighbor, on oath, state that I
^{know} ~~attended on~~ Mrs. Mary Talladega, wife of Chepau Talladega the
 on the — day of June, 1878, ~~that~~ there was born to her ~~an~~ male child;
 that said child is now living and is said to have been named Cable Talladega.

Subscribed and sworn to before me this 5th day of October, 1878.

COPY.

38.

SUPPLEMENTAL PROOF,
IN RE

Application for Enrollment of

INFANT CHILD

Joie Bruner

as a citizen of the

CREEK NATION.

Approved

Feb 15

190*2*

(SIGNED)

James Bixby

Commissioner.

Acting Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek (or Muskogee) Nation, of
Josie Bruner, born on the *28* day of *June*, 1 *899*
(Here insert name of child.)
 Name of Father: *Eli Bruner*, a citizen of the *Creek* Nation.
 Name of Mother: *Sarah Bruner*, a citizen of the *Creek* Nation.

Post-office, _____

AFFIDAVIT OF PARENT.

(To be made if child is now living.)

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, }
 _____ District. }

I, _____, on oath state that I am _____
 years of age and a citizen, by _____, of the Creek (or Muskogee) Nation;
 that I am the _____ of _____
(father or mother.) (Here insert name of child.)
 a _____ child who was born on the _____ day of _____, 1 _____,
(male or female.)
 and that said child is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 190_____

NOTARY PUBLIC.

AFFIDAVIT OF PARENT.

(To be made if child is deceased.)

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, }
Northern District. }

I, *Lehepan Tah-la-de-ga*, on oath state that I am *40*
 years of age and a citizen, by *65*, of the Creek (or Muskogee) Nation;
 that I am the *grandfather* of *Josie Bruner*
(father or mother.) (Here insert name of child.)
 a *female* child who was born on the *28* day of *June*, 1 *899*,
(male or female.) *or about*
 and that said child died on the *15* day of *June*, 1 *900*.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this *12* day of *February*, 190*2*

NOTARY PUBLIC.

JEB

I. 901

Muskogee, Indian Territory, May 28, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

May 31, 1901 Chepan Tahladega executed an affidavit from which it appears that Josie Bruner was born June 28, 1899 and was living at the date of the execution of the affidavit. The affidavit also shows that father and mother of said child were then dead and that Chepan Tahladega was her grandfather.

The name of said Josie Bruner is contained in the partial list of citizens by blood of the Creek Nation transmitted to the department November 30, 1901, and approved March 13, 1902, No. 2920.

February 15, 1902, there was filed in this office an affidavit executed by said Chepan Tahladega from which it appears that the child, Josie Bruner, died on or about June 15, 1900.

It is respectfully recommended, in view of said last mentioned affidavit, that the name of Josie Bruner be stricken from the partial list of citizens by blood of the Creek Nation approved March 13, 1902, No. 2920.

The affidavits referred to are herewith inclosed.

Respectfully,

Through the Commissioner
of Indian Affairs.

HGH-2-28.

Chairman.

J. P.

DEPARTMENT OF THE INTERIOR, FBI
WASHINGTON.

June 13, 1904.

I. T. D. 4750-1904

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 28, 1904, you furnished proper evidence that Josie Bruner, whose name appears on partial Creek roll approved March 13, 1902, opposite number 2920, died June 15, 1900. She was born June 28, 1899.

In accordance with your recommendation, and that of the Indian Office in letter of June 9, 1904, calling attention to section 28 of the act of March 1, 1901 (31 Stats., 86A), you are authorized to strike this person's name from said partial roll.

A copy of the Acting Commissioner of Indian Affairs' letter and the papers received with your letter are inclosed herewith.

Respectfully,

(Signed) E. A. Hitchcock.
Secretary

3 inclosures.

Land.
36320+1904

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. June 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated May 28, 1904, transmitting the evidence of Chepan Tahladega, executed May 31, 1900, from which it appears that Josie Bruner was born June 28, 1899, and that she was living at the date of the execution of the affidavit. It will be observed that the Commission states that this affidavit was executed May 31, 1901. The correct date is May 31, 1900. The affidavit shows that the father and mother of the said child are dead, and from the affidavit of February 12, 1902, it appears that Chepan Tahladega is the grandfather of the child. The Commission say that the name of Josie Bruner is contained in the partial list of citizens by blood of the Creek Nation, approved by the Department March 13, 1902, and that her name appears opposite No. 2920/

February 15, 1902, Chepan Tahladega filed an affidavit with the Commission from which it seems that Josie Bruner died on or about June 15, 1900. The Commission recommends that the name of Josie Bruner be stricken from the partial rolls of citizens by blood of the Creek Nation.

It is shown by the papers transmitted by the Commission that Josie Bruner was born June 28, 1899, and that she died June 18, 1900. Section 28 of the original agreement provides among other things that all children born to citizens entitled to enrollment up to and including the 1st day of July, 1900, "and then living, shall be placed on the rolls made by said Commission."

Josie Bruner having died prior to the 1st of July, 1900, is not entitled to enrollment, and the recommendation of the Commission is concurred in.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

GAW-D

Creek I. 901

Muskogee, Indian Territory. March 14, 1906.

Mary Tahladege Grayson,
Sapulpa, Indian Territory.

Dear Madam:

This office has been informed that your husband,
Shepan Tahladege is dead.

The law provides that in case of a deceased citizen,
the lands and moneys, to which such person would be entitled,
if living, shall descend to his heirs and be allotted and
distributed accordingly.

There is herewith enclosed a blank form of death
affidavit, and in the event that your said husband is dead, you
are requested to execute same before an officer authorized to
administer oaths, and return it to this office in the enclosed
envelope.

Respectfully,

1-DA

Creek I. 901.

Muskogee, Indian Territory. March 14, 1906.

Mars & Mars,

Sapulpa, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of March 12, 1906, in which you ask for two weeks time within which to take up the matter of enrollment of Jesse Bruner, about which you had written before.

You are advised that a reasonable period of time will be allowed you if you desire to furnish the proper motion for rehearing in said case, as same has been fully explained to you in our former letter.

Respectfully,

Acting Commissioner.

Mars and Mars,
Lawyers.

F. L. Mars,

J. J. Mars

Sapulpa, Ind. Ter.

April 17th, 1906.

Hon. Tams Bixby,

Muskogee, Ind. Ty.

Dear Sir:

We herewith enclose you petition in duplicate, in the matter of the enrollment of Josie Bruner, with an acknowledgment of service by M. L. Mott, Creek Attorney.

Please give this matter your usual prompt attention and oblige,

Yours very respectfully,

FIM-MW.

(Signed) Mars & Mars

Muskogee, Indian Territory, April 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

May 28, 1904, it was recommended by this office that the name of Josie Bruner be stricken from the partial list of citizens by blood of the Creek Nation approved March 13, 1902, roll No. 2920, evidence having been submitted showing that said applicant was born June 28, 1899 and died June 15, 1900.

Under date of June 13, 1904 (I.T.D.4750-1904) in accordance with the recommendation of the Commission, the Department authorized that the name of Josie Bruner be stricken from the roll of citizens of the Creek Nation.

April 19, 1906, there was filed with this office the petition of William Anderson, administrator of the estate of Josie Bruner, deceased, to reopen the matter of the appli-

Secretary S.

cation for the enrollment of said Jessie Bruner as a citizen
by blood of the Creek Nation, which said petition is inclosed
herewith for Departmental consideration.

Respectfully,

Through the
Commissioner of Indian Affairs.

Acting Commissioner.

AG-4-20

I.901.

Muskogee, Indian Territory, August 27, 1906.

Mars & Mars,

Sapulpa, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of August 20, 1906, enclosing affidavit of Archie Bruner, in the matter of the application for the enrollment of Josie Bruner, as a citizen by blood of the Creek Nation. Said affidavit is this day transmitted to the Secretary of the Interior where said application is now pending.

Respectfully,

Acting Commissioner.

I.901.

Muskogee, Indian Territory, August 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith enclosed affidavit of Archie Bruner, transmitted to this office by Mars & Mars, attorneys for Josie Bruner, in the matter of whose enrollment a petition to reopen was forwarded to your office April 20, 1906.

Respectfully,

Acting Commissioner.

LM-89.

Through the
Commissioner of Indian Affairs.

I.T.D. ~~1045~~ 15414-1906.

JHR.LRS.JP

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 6, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 20, 1906, your office submitted a petition by William Anderson, administrator of the estate of Josie Bruner, to have reopened the matter of the application for the enrollment of Bruner as a citizen by blood of the Creek Nation, the Department having, on June 13, 1904, stricken the name of Bruner from the approved partial roll of citizens by blood of said nation, upon the recommendation of the Commission to the Five Civilized Tribes, and in view of an affidavit by the grandfather of Bruner, stating that Bruner died about June 15, 1900. He was born on June 28, 1899.

It is now alleged that Bruner died on July 2, 1900. The petition is sufficient to warrant a hearing, and it is inclosed for that purpose. The hearing should be had at an early date.

Your report was received with Indian Office letter of August 29, 1906 (Land 36007), a copy of which is inclosed.

Respectfully,

Jesse E. Wilson,
Assistant Secretary.

2 inclosures.

Through the
Commissioner of Indian Affairs.

Refer in reply to the following:
Land: 36007-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 28, 1906.

The Honorable,
The Secretary.

Sir:

Referring to ^{departmental} ~~your~~ letter of June 13, 1904, (I.T.D. 40750-1904) in which the Commission to the Five Civilized Tribes ~~is~~ was authorized to strike the name of Josie Bruner from the rolls of citizens of the Creek Nation, the Office has the honor to transmit herewith a communication from the Acting Commissioner to the Five Civilized Tribes, dated April 20, 1906, enclosing the petition of William Anderson, administrator of the estate of Josie Bruner, deceased, to reopen the matter of the application for the enrollment as a citizen by blood of the Creek Nation, together with various affidavits in support thereof.

Very respectfully,

F.E. Laupp,
Commissioner.

EWE-IC

Muskogee, Indian Territory, October 2, 1906.

William Andersen,

Sapulpa, Indian Territory.

Dear Sir:

In accordance with Departmental instructions under date of September 6, 1906, you are hereby advised that a hearing will be had at the office of the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory, on Thursday, October 18, 1906, in the matter of the right to enrollment of Josie Bruner, deceased, as a citizen by blood of the Creek Nation, at which time you will be permitted to introduce testimony in the case. The testimony of J. W. Buffington and Mary Grayson, whose affidavits accompanied the petition filed with this office April 19, 1906, is especially desired.

It is requested that the original record, showing the date on which a certain coffin was purchased from and referred to in the affidavit of J. W. Buffington, be produced at said hearing.

Respectfully,

Commissioner.

by

REFER TO REPLY TO THE FOLLOWING:
.....
.....
.....

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 2, 1906.


Mars & Mars,
Attorneys at Law,
Sapulpa, Indian Territory.

Gentlemen:

In accordance with Departmental instructions under date of September 6, 1906, you are hereby advised that a hearing will be had at the office of the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory, on Thursday, October 18, 1906, in the matter of the right to enrollment of Josie Bruner, deceased, as a citizen by blood of the Creek Nation, at which time you will be permitted to introduce testimony in the case. The testimony of William Anderson, J. W. Buffington and Mary Grayson, whose affidavits accompanied the petition filed with this office April 19, 1906, is especially desired.

It is requested that the original record showing the date on which a certain coffin was purchased from and referred to in the affidavit of J. W. Buffington, be produced at said hearing.

Respectfully,



Commissioner.

EXE03X30NI

En 1266

COMMISSIONER TO FILE	
No.	Received
1963	JAN 11 1907

Indian Office,
Iarrabee,
Washington, D.C.,
Jan. 9, 1907.

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Includes affidavit in
re Creek enrollment case of
Josie Bruner.

RECEIVED

En 1266

184
REFER IN REPLY TO THE FOLLOWING:

LAND: DEPARTMENT OF THE INTERIOR,
75234-1906. OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

gaw
January 9, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith affidavit of Archie Bruner to be considered in connection with the matter of the enrollment of Josie Bruner as a Creek citizen.

Your attention is invited to Departmental letter of September 6, 1906, enclosing a petition for a rehearing in this case.

Very respectfully,

C. J. Larrabee,
Acting Commissioner.

WSE

C

Muskogee, Indian Territory, January 30, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

May 28, 1904, this office in a report to the Department recommended that the name of Josie Bruner be stricken from the partial roll of citizens by blood of the Creek Nation, approved March 13, 1902, opposite No. 2920, for reasons set forth therein, which said recommendation was approved and authority granted as requested on June 13, 1904 (I.T.D. 4750-1904).

April 20, 1906, this office transmitted for Departmental consideration the petition of William Anderson, administrator of the estate of Josie Bruner, deceased, to reopen the matter of the enrollment of said Josie Bruner, deceased, which said petition was returned from the Department on September 6, 1906, with instructions to conduct a further hearing in the matter.

A hearing was had in this matter on October 18, 1906, at which time testimony was introduced, together with certain memoranda tending to establish the date of death of Josie Bruner.

The entire record in this case is herewith transmitted,

Sec. of Int.--2

together with the decision of this office granting the prayer of the petitioner that the name of Josie Bruner, deceased, be reinstated to the approved roll of citizens by blood of the Creek Nation.

In the event the decision of the Commissioner in this matter is affirmed by the Department, it is requested that the name of Josie Bruner be reinstated on the approved roll of citizens by blood of the Creek Nation opposite No. 2920, the number originally set opposite her name.

Very respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Ind. CM-81-1

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

COPY

LAND
15493-1907.

February 21, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated January 30, 1907, transmitting for Departmental consideration, petition of William Andersen, administrator of the estate of Josie Bruner, deceased, to reopen the matter of the enrollment of Josie Bruner, deceased, whose name was stricken from the partial roll of citizens by blood of the Creek Nation, approved March 13, 1902, opposite No. 2920, by authority granted in Departmental letter of June 13, 1904 (I.T.D. 4750-1904).

In pursuance of instructions in Departmental letter of September 6, 1906, further hearing was had on October 18, 1906, for the purpose of taking testimony to establish the date of the death of Josie Bruner.

The record herein shows that Josie Bruner is the deceased child of Eli Bruner and Sarah Bruner, a citizen by blood of the Creek Nation, who under the name of Sarah Holden is enrolled on a partial schedule of citizens by blood of the Creek Nation approved by the Department on January 8, 1904, opposite No. 9795.

It appears from the weight of the evidence that Josie Bruner was born in the month of June 1899, that he was living on July 1, 1900 and died on July 2, 1900.

It is, therefore recommended that the name of Josie Bruher be restored to the roll of citizens by blood of the Creek Nation, it appearing that he is entitled to enrollment under the provisions of the Act of June 30, 1902 (32 Stat.L. 500), and that his name be placed opposite No. 2920, where it originally stood on the approved roll of citizens by blood of the Creek Nation.

Very Respectfully,
C. F. Larrabee,
Acting Commissioner.

AJW-EH.

W.H.M.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 4, 1907

I.T.D. 4750-1904
4752-1907

LRS.

Direct

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.
Sir:

In accordance with the recommendation of the Indian Office of February 21, 1907, (Land 15493), your decision of January 30, 1907 adjudging Josie Bruner, whose name has heretofore been stricken from the partial roll of citizens by blood of the Creek Nation, approved March 13, 1902, opposite number 2920, by authority granted in departmental letter of June 13, 1904 (I.T.D. 4750), entitled to enrollment as a citizen by blood of the Creek Nation is hereby affirmed, and the name of Josie Bruner has been this day restored to the roll of citizens by blood of the Creek Nation opposite number 2920, where it originally stood, and you are directed to make restoration of said name of Josie Bruner in accordance with the action of the department above indicated.

The Indian Office is directed to take similar action upon the partial roll of Creek citizens in its possession. A copy of Indian Office letter of February 21, 1907 (Land 15493), recommending the above action is herewith enclosed. The other papers in the matter have been sent to the Indian Office for its files together with a carbon copy hereof.

Respectfully,

Jesse E. Wilson.
Acting Secretary.

1 enclosure and
2 enclosures to Ind. Of. with copy hereof.
3/5/07.

Gr. L.

Muskogee, Indian Territory, March 13, 1907.

Chief Clerk,

Creek Land Office,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instruction of March 4, 1907, (I.T.D. 4750-1904) the name of Josie Bruner has been restored to the final roll of citizens by blood of the Creek Nation opposite number 3920.

Respectfully,

Commissioner.

Gr. No. 1068.

Muskogee, Indian Territory, March 13, 1907.

M. L. Nott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of March 4, 1907, (I.T.D. 4750-1904) the name of Josie Bruner has been restored to the final roll of citizens by blood of the Creek Nation opposite number 2920.

Respectfully,

Commissioner.

Cr.En. 1068

Muskogee, Indian Territory, March 13, 1907.

William Anderson,

Sapulpa, Indian Territory.

Dear Sir:

You are hereby advised that under departmental instructions of March 4, 1907, (I.T.D. 4750-1904) the name of Josie Bruner has been restored to the final roll of citizens by blood of the Creek Nation opposite number 2920.

Respectfully,

Commissioner.

Cr. En. 1068

Muskogee, Indian Territory, March 13, 1907.

Mars & Mars,

Sapulpa, Indian Territory.

Gentlemen:

You are hereby advised that under Departmental instructions of March 4, 1907, (I.T.D. 4750-1004) the name of Jessie Bruner has been restored to the final roll of citizens by blood of the Creek Nation opposite number 2920.

Respectfully,

Commissioner.

CR EN 1069

CR EN 1069

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
SEPTEMBER 11, 1906.

En.

In the matter of the alleged application for the enrollment of Charles Clark as a citizen of the Creek Nation.

APPEARANCES: John G. Lieber, acting attorney for Creek Nation.

Charles Clark, being first duly sworn by Henry G. Hains testified as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Charles Clark.
Q: How old are you? A: I am 45 to my count.
Q: You are at least that old? A: I might be one year younger.
Q: What is your post-office address? A: Verden?
Q: Verden, what? A: Verden, Oklahoma.
Q: What is the name of your father? A: Henry Clark.
Q: Is he living? A: No sir.
Q: How long has he been dead? A: Well he must have been dead about--lets see----
Q: Oh well, about how long? A: I was 22 years old about when he died.
Q: Been dead over 20 years? A: Yes sir.
Q: What is the name of your mother? A: Barbara. Barbara Clark.
Q: Is she living? A: No sir. She died when I was about 2 years old.
Q: Do you claim rights as a Creek? A: Yes sir.
Q: As what; a creek by blood or a freedman?
A: By blood I guess.
Q: Don't you know which you think you are? A: Yes, I know.
Q: Well what are you? A: I am a quarter breed.
Q: Whom do you claim by? A: On my mother's side.
Q: What tribe did your mother belong to? A: She was a creek
Q: Do you know whether she belonged to any particular Creek Indian Town? A: Well no, I don't.
Q: How long have you lived in Oklahoma? A: 16 years.
Q: You came to Oklahoma 16 years ago? A: Yes sir.
Q: Where did you move there from? A: Topeka, Kansas.
Q: How long had you been in Kansas? A: 6 years I believe.
Q: Where had you been before that? A: West Tennessee.
Q: Were you born there? A: Yes sir.
Q: Have you ever drawn any money from the Creek Nation?
A: No sir.
Q: Was any ever drawn for you that you knew of?
A: I don't know, no sir.
Q: What Creek Indian Town do you belong to? A: I don't know
Q: You don't claim that your name is on any of the Creek Indian Rolls?

- A: I don't know but that is all I was going by, but I don't suppose it is.
- Q: Do you claim to have ever been admitted to citizenship in the Creek Nation by any of the proper authorities?
- A: No sir, not only that letter.
- Q: Are you talking about that letter that you wrote to the Commission? A: No sir, that ain't the Creek Tribal authorities. I am not educated, I don't understand what you mean.
- Q: You never made any application, nor has anybody made any for me to the Creek Council or any of the Committees?
- A: No sir.
- Q: Was any application made by you or for you by anyone to the Dawes Commission? A: No sir.
- Q: The only thing you did, you refer to this letter written February 7, 1905 to the Secretary of the Interior which was referred to this office and answered by this office? A: Yes sir.
- Q: And in which you were told that the rolls closed September 1, 1904, that is all you ~~have~~ ever did, is it? A: That is all.
- Q: You say you claim to be a quarter blood Creek Indian and from your mother? A: Yes sir.
- Q: Is that the only claim you have? A: Yes sir.
- Q: And she died when you were 2 years old or about 40 years ago? A: Yes sir, it must have been that long or over.
- Q: Never drew any money from the Creek Nation? A: No sir.
- Q: Never been admitted to citizenship by any of the Tribal authorities? A: No sir, not as I know of.
- Q: You would have heard of it wouldn't you? A: Yes, I guess I would have heard of it.
- Q: Do you now live in Oklahoma? A: Yes sir.
- Q: Did you ever live in the Creek Nation?
- A: I stayed here about 2 months.
- Q: When? A: I guess---lets see--- it must have been 4 years ago.
- Q: What month was this you stayed here? A: I don't know exactly what months I stayed.
- Q: Just stayed here on a visit? A: No sir I was working here.
- Q: Where were you, what part of the Creek Nation?
- A: I was down here at this town over here, I can't call the name of it, on this side where they don't allow colored people to stop. I can't think of it, it is on the Choctaw road at Holdenville.
- Q: Outside of those two months that you worked in that town, the name of which you don't know, you have never been in the Creek Nation? A: Yes, I never moved here but I came in here and worked and stayed a while.
- Q: Never lived here ~~until~~ at all, just those several little times you worked here, that is all the time you have been here? A: Yes sir that is all.
- Q: Have you any witnesses in this case you wish to introduce?
- A: No sir.
- Q: Where did your mother die? A: Near Huntington, Tenn.
- Q: You don't claim your name is on any Indian Roll do you?
- A: No sir.
- Q: Never intended to stay here at these times? A: Why no, the only reason I don't live here, if you want to hear that,

-4-

I can tell you, it was on account of my wife's health, I was advised not to bring her.

Q: Where were you married? A: Topeka, Kansas.

Q: That is all you have to say is it? A: Yes sir.

This is all the evidence that was given in said cause at this time.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval.

Subscribed and sworn to before
me this 25 day of September, 1906.

Edmund Herrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles Clark as a citizen by blood of the Creek Nation.

D E C I S I O N.

It appears from the record in this case that on February 27, 1905, the Commission to the Five Civilized Tribes addressed a letter to C. Clark in reference to the right of the latter to make application for enrollment as a citizen of the Creek Nation, which letter indicated that on February 7, 1905, the said C. Clark had written to the Commission to the Five Civilized Tribes in relation to his right to make said application and it is, therefore, considered that on February 7, 1905, Charles Clark made original application for enrollment as a citizen by blood of the Creek Nation. Further proceedings were had in the matter on September 11, 1906.

It appears from the evidence in this case that the applicant, Charles Clark, is about forty-five years of age and claims to have Creek blood. It further appears that the name of his father was Henry Clark and that the name of his mother was Barbara Clark. Neither the applicant nor his father or mother are identified upon the Creek tribal rolls. It does not appear that the applicant was ever admitted to citizenship by the tribal authorities, or by the Commission to the Five Civilized Tribes, or United States Court, under the Act approved June 10, 1896.

It further appears that the applicant was born in West Tennessee and moved to Kansas about twenty-two years ago, and from there to Oklahoma about sixteen years ago, and that he has never, in good faith, moved to or settled in the Creek Nation or the Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Charles Clark as a citizen by blood of the Creek Nation and his application for enrollment as such is accordingly denied.


COMMISSIONER.

Muskogee, Indian Territory.

FEB 7-1907.

Department of the Interior,
RECEIVED
AUG 27 1906
No. 10713
Indian Territory Division

Department of the Interior,

Aug. 29, 1906

Respectfully referred to the
Commissioner to the Five Civil-
ized Tribes for consideration
and appropriate action.

Jesse E. Wilson
Assistant Secretary.

WBS

29828

8-21-1906

verden.

Mr E.A. Hitchcock ^{O.J.} Sec. of
W.S.A. Washington
D.C.

Sir, Esq. I would be pleased
to call your attention
to the letter that I sent
with the Affidavit of August
the 4th 1906 that there was
a mistake made in the
date of my former
Application for Enrollment
it was Sept. 9th 1904 instead
of 1905 I all so Enclose
a letter from the Commission
of the fine O. Tribes of God
yours C. Clark verden. O.J.

COMMUNICATIONS SECTION	
No.	Received
37362	AUG 31 1906

Clark C.,
Verden, Okla.,
Aug. 21, 1906.

Relative to her application for
enrollment.

SEEK ENROLLMENT.

=1=

Sept 5-1906

Mr. Secretary Hitchcock
Washington D.C.

Sir:-

I recd a copy of act of
Apr 26-1906 Which was sent
to me by Jessie C Wilson
Assistant Sec. As I am
undeducated and cannot
read, and do not under-
stand the laws. And
am not able to hire a
lawyer to do business
for me, I depended
on the Sec to notify
me if at any time my
application was ac-
cepted. The ^{reason} why that I

39867

Sept 5-1906

Mr. Sec.

Washington D. C.

Sir:

Being uneducated,
and could not read
I not know that the
rolls were open for a
citizen by blood could
receive said rights -

depended on you as I
stated in my applic-
ation Sept 9th 1864 That
I was uneducated and
could not read, I am
depending on the mercies
of the Sec. for employment
And if there there
be any show on earth
for me to receive
allotment in the
Creek Nation I hope
the Sec. of the Interior
will grant it to me
As I am well fixed
for farming, But have
no place to farm
without renting, And
I am tired of That. If
I am a quarter breed

-3-

And can easily prove
it also. You two are
Indavits Aug 4-1906
made before Daniel
W. Lewis Aug 1st 1906
Kinnafisher Okla. Of
Addaline Taylor's and
Wm Taylor's.

Respectfully
Write soon

O O Clark

Verden

Oklahoma

39867

Department of the Interior,
RECEIVED

SEP 10 1895

No. 11303

Indian Territory Division

Department of the Interior

Sept 13, 1895

Respectfully referred to the
Commissioner to the Five Civil-
ized Tribes for consideration
and appropriate action.

Jesse C. Wilson
Assistant Secretary.
JCS

Verden Okla. Sept 15th 1906
Sec. A. Hitchcock
Washington D.C.

Sir:-

Would there be any way of reconsidering my case pending which was rejected solely because it was not made in time prescribed by law And your recent act, did ^{not come} into my possession until after July 19-1906. Am I entitled to enrollment under the approval of said act?

INDEXED

39867

SEP 15 1906

Clark, C.,
Verden, Okla.,
Sep. 5, 1906.

Asks that he be enrolled.

The United States of America.

Territory of Oklahoma)
County of Kingfisher)ss.

--(Affidavit)--

Now on this 1st day of August A.D. 1906, personally came and appeared before me, Daniel W. Lewis, a Notary Public within and for the County of Kingfisher and Territory of Oklahoma, Adiline Taylor, whose age is 62 years, and whose Post Office Address, is Kingfisher, Kingfisher County, Oklahoma Territory, whom I hereby certify is a credible person, who first being duly sworn according to law, upon her oath deposeth and says;

That she is a citizen of the County of Kingfisher in said Territory, and that she has so been, for the last 16 years; that she is personally and well acquainted with Charley Clark who resides at Varden, Caddo County, Oklahoma, who is the son of Henry and Barbary Clark, deceased, whose name before she was married to the said Henry Clark was Barbary Mitchell and resided near Huntington, in the County of Carroll, in the State of Tennessee.

That this affiant was also a resident of the same neighborhood and lived in close proximity to the said above named Clarks; that the mother of Barbary Clark, nee Mitchell, was a Creek Indian and was called Luvenia, and married one Joseph Spencer, with whom I was also in his lifetime well and personally acquainted.

That affiant's Sister, married Sy, a Creek Indian, who was the Brother of Barbary Mitchell, the Mother of Charley Clark.

And affiant further states, that the said Barbary Clark nee Mitchell, were of Creek Indian and Negro extraction.

And your affiant further states, that she was not personally acquainted with Barbary Mitchell's Mother, but was, with her Father, and often conversed with him, as to who his children's relations were, and where they were, and he always said, "that his wife was a Creek Indian and that her brothers and sisters were Indians" some of whom I knew, and were named, "Sy, Fannie, Barbary, Shem, Kinchen and Bill".

They were all of the full complexion of the Indian, hair similar to the Indian, of the Indian disposition and were generally held in the neighborhood in which they lived as Indians.

Affiant further states, that all of the facts above stated, are made from her own personal knowledge as she remembers them, and not from dictation of the promptings of any person.

And affiant further states, that she has no interest in the application of the claimant, but makes this affidavit merely, in the interest of the children and heirs of the said Barbary and Henry Clark.

And, further affiant saith not.

Witness to mark

Wm. H. Taylor
Wm. H. Taylor

Wm. H. Taylor
Wm. H. Taylor

Sworn to and subscribed to before me this 2nd day of August A.D. 1906.

Notary Public.

res August 28th 1906.

My commission expires August 28th 1906.

The United States of America.

Territory of Oklahoma)
County of Kingfisher) ss.

--(Affidavit)--

Now on this 1st day of August A.D. 1906, personally came and appeared before me Daniel W. Lewis, a Notary Public within and for the County of Kingfisher and Territory of Oklahoma, William Taylor, aged 63, whose Post Office Address is Kingfisher, Kingfisher County, Oklahoma Territory, whom I hereby certify is a credible person and who being first duly sworn according to law deposeth and says;

That he is the husband of Adiline Taylor, who on this day made affidavit before Daniel W. Lewis, a Notary Public of the above named county and Territory, respecting the heirs of Henry and Barbary Clark.

And affiant further states that he also, was personally and well acquainted with all of the heirs of the said Henry and Barbary Clark that he was present when his said wife, Adiline Taylor made the affidavit above mentioned, had the same read over to him, and its contents explained to him, and knows from his personal knowledge that all the facts therein contained are true.

That he also resided in Carroll County, Tennessee and was there married to his said wife Adiline Taylor where they together knew all of the parties mentioned above.

And further affiant saith not.

Witness to mark

Daniel W. Lewis
J. R. M. Sunday

Subscribed and sworn to before me this 1st day of August 1906.

Notary Public.
Kingfisher County, Oklahoma.

August 28th 1906.

Department of the Interior,
Indian Territory Division
AUG 22 1906
9775

Department of the Interior.

August 22, 1906.

Respectfully referred to the
Commissioner to the Five Civil-
ized Tribes for consideration
and appropriate action.

James E. Wilson
Assistant Secretary.

WHS

no ref.

7-105

INDEXED

COMMISSIONER TO FIVE TRIBES
No. Received
36505 AUG 27 1906

9-4-06.

Steck, James F.,
Anadarko, O.T.,
Aug. 4, 1906.

seemingly

Transmits two affidavits in
support of application of
Charles Clark for enrollment
as a Creek citizen.

CREEK ENROLLMENT.

Maybes

Frank E. Gillette,
Associate Justice of the Supreme Court,
Judge of the U. S. District Court.

United States District Court,
Seventh Judicial District, Oklahoma Territory,
Judge's Chambers.

Anadarko O. T.
August 4 - 1906

Hon. E. A. Hitchcock

Secretary of Interior
Washington D.C.

At the request of one Charles Clark I
enclose you 2 affidavits in support
of his (Clark's) claim to be a member of the
Creek tribe of Indians. He also claims
that he was enrolled by the Commissioner
to the 5 tribes on Sept-9th 1905 and
that under the act approved April 26
1906 - it is within the power of the
Secy of the Interior to admit him to
enrollment and allotment as a member
of the Creek nation -

Very Truly Yours

James F. Steek

Clark's address is

Herden - Caddo Co - O. T.

Cr.An.1069.

Muskogee, Indian Territory, ⁴ February 9, 1907.

Charles Clark,
Verden, Oklahoma Territory.

Dear Sir:

There is herewith enclosed one copy of the decision in the matter of the application for your enrollment as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register
LM-6.

Cr. En. 1049

Muskogee, Indian Territory, February 9, 1907.

M. L. Nett,

Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Charles Clark, as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

LN-7.

Commissioner.

Cr.Mn.1049.

Muskogee, Indian Territory, February 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Charles Clark, as a citizen of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LX-8.

Through the Commissioner
of Indian Affairs.

ENCLOSURE.

Refer in reply to the following:
Land 14309 - 1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 27, 1907.

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of Commissioner Bixby in the matter of the application for enrollment of Charles Clark as a citizen by blood of the Creek Nation.

Commissioner Bixby reports that the applicant is about forty-five years of age and claims to have Creek blood; that the name of his father was Henry Clark and that of his mother Barbara Clark; that neither he nor his father or mother are identified on the Creek tribal rolls, and it does not appear that he was ever admitted to citizenship by a competent authority.

Predicated on this record, the Commissioner on February 7, 1907, rejected the applicant.

It is recommended that his decision be approved.

Very respectfully,

(Signed) C. F. Iarrabee,

Acting Commissioner.

EEH-T

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J. F.
O. K.

LES I.T.D.

5704, 5722, 5728, 5794-1907.
5814, 5816, 5820, 5820-1907.
5832, 5836, 5840, 5844-1907.
5882, 5886, 5872, 5874-1907.
5882, 5884, 5946-1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed. Copies of
Indian Office letters submitting your reports and recommending
that the decisions be affirmed are enclosed.

Title of Case.	Date of your Letter of Transmittal.
Hester Walker,	January 11, 1907.
Julia Cornelius, et al.	January 28, 1907.
Paul Bowers,	February 11, 1907.
Moses Vaughan (Freedman),	February 11, 1907.
Charles Clark,	February 9, 1907.
Johnny Carwile (Freedman),	February 9, 1907.
Jack and Alice Bell (Freedman),	February 9, 1907.
Yar-mah-lee, et al. (deceased),	February 9, 1907.
Mary Burl (Freedman),	February 11, 1907.
Annie McClelland and Mitchell Cox,	February 9, 1907.
Alvin Smith (deceased) (Freedman),	February 9, 1907.
Isaac and Ethel Grayson (Freedman),	February 9, 1907.
William B. Self et al.	February 11, 1907.
Annie Morgan (Freedman),	February 9, 1907.
Bennie Griffin (Freedman),	February 11, 1907.
Mose James (Freedman),	February 9, 1907.
Dan Campbell (Freedman),	January 26, 1907.
Jessie Wofford,	February 9, 1907.
Daniel Gray, deceased,	February 11, 1907.

A copy hereof and all the papers in the above mentioned
cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse K. Wilson,

Assistant Secretary.

19 inc. and 34 inc.
for Ind. Of.

APM

Cr. En. 1069

CM

Muskogee, Indian Territory, March 11, 1907.

Charles Clark,

Verden, Oklahoma Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 7, 1907, denying the application for your enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1070

CR EN 1070

B.A.90.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 16, 1906.

In the matter of the application for the enrollment of
Emma Jacob as a citizen by blood of the Creek Nation.

William Jimboy being duly sworn testified as follows through Jesse
McDermott official interpreter.

- Q What is your name? A William Jimboy.
Q What is your age? A I am about fifty five.
Q What is your post office address? Weleetka.
Q Do you know Charles and Nancy Jacob? A Yes, sir.
Q Do you know a child of theirs named Emma? A Yes, sir.
Q Is that child living? A Yes, sir.
Q How old is it? A The child appears to be over four years old.
Q Do you know the exact date of its birth? A No, sir.
Q We have written to Nancy that we needed further proof and the
letter was returned unclaimed. We will hand you an affidavit for
the mother and midwife and ask you to deliver them and tell her to
execute them? A All right.
Q Do you know Kizzie Walker? A Yes, sir personally acquainted with
her. I don't know whether she was the midwife in that case or not.
Q Do you know what her name is now? A Kizzie Dunston.
Q Do you know where she lives? A She lives near Fentress.

I, Anna Garrigues, on oath state that the above and foregoing is a
true and correct transcript of my stenographic notes as taken in
said cause on said date.

Subscribed and sworn to before me
this 17 day of February, 1906.

Anna Garrigues

J. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Emma Jacobs as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on January 16, 1903, application was made, in affidavit form, for the enrollment of Emma Jacobs as a citizen by blood of the Creek Nation. Further proceedings were had in this matter on February 16, 1906. The affidavits of Nancy Jacobs and Kizzie Dunson, in the matter of the birth of Emma Jacobs, are attached to and made a part of the record herein.

It appears from the evidence and the records in the possession of this office that the applicant Emma Jacobs, is the minor child of Charley Jacobs and Nancy Jacobs, duly enrolled citizens of the Creek Nation, whose names appear on a partial schedule of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, March 13, 1902, opposite numbers 4585 and 4586, respectively, and that she was born in the month of May 1901, and was living on the date of the last proceeding had herein, viz; October 1, 1906.

It is, therefore, ordered and adjudged that the applicant, Emma Jacobs, is entitled to enrollment under the provisions of the Act of Congress approved April 26, 1906, (34 Stats. 137) and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory.

JAN 25 1907



COMMISSIONER.

IN RE

Application for Enrollment of

INFANT CHILD

- Emma Jacobs

- as a citizen of

Creek

Nation.

Approved 190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

Oct. 1, 1906.

COMMISSIONER

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Emma Jacobs, born on the 25 day of May, 1901.
(Here insert name of child.)
Name of Father: Charley Jacobs a citizen of the Creek Nation.
Name of Mother: Nancy a citizen of the Creek Nation.
Postoffice Willetta

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Nancy Jacobs, on oath state that I am 25
years of age and a citizen by blood of the Creek Nation;
that I am the lawful wife of Charley Jacobs, who is a citizen, by
blood of the Creek Nation; that a female child was
(Male or Female.)
born to me on 25 day of May, 1901; that said child has been named
Emma Jacobs, and was living March 4, 1906.

WITNESSES TO MARK:

(Must be Two Witnesses.)

J. M. McDermott
J. E. Gray

Subscribed and sworn to before me this 1st day of October, 1906.

my com
Ex July 25 1907

J. M. McDermott
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Kizzie Dunson, a midwife, on oath state that I
attended on Mrs. Nancy Jacobs, wife of Charley Jacobs
on the 25 day of May, 1901; that there was born to her on said date a
(Male or Female.)
child; that said child was living March 4, 1906 and is said to have been named Emma Jacobs.

WITNESSES TO MARK:

(Must be Two Witnesses.)

J. M. McDermott
J. E. Gray

Subscribed and sworn to before me this 1st day of October, 1906.

J. M. McDermott
Notary Public.

90

20

IN RE

Application for Enrollment of

INFANT CHILD

Emma Jacob

as a citizen of

The Greek

Nation.

Approved,

190

Commissioner.

James + mother on O. Card #1445

Filed Jan'y 16, 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Emma Jacob, born on the 22^d day of May, 1901
(More insert name if child.)
Name of Father: Charley Jacob, a citizen of the Creek Nation.
Name of Mother: Nancy Jacob, a citizen of the Creek Nation.
Post-office, McDermott

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Nancy Jacob, on oath state that I am 29
years of age and a citizen, by blood, of the Creek Nation;
that I am the lawful wife of Charley Jacob, who is a citizen, by
blood, of the Creek Nation, that a girl child was
(male or female.)
born to me on the 22nd day of May, 1901; that said child has been
named Emma Jacob, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

Ed Morton
Tucker Barnett

Nancy Jacob

Subscribed and sworn to before me this 13th day of Sept., 1901

Ed Morton
Sept. 13/01

Edwin A. Morton

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Kizzie Walker, on oath state that I
attended on Mrs. Nancy Jacob, wife of Charley Jacob,
on the 22nd day of May, 1901; that there was born to her on
said date a female child; that said child is now living and is said to have been
named Emma Jacob.
(male or female.)

WITNESSES TO MARK

(Must be Two
Witnesses)

Ed Morton
Tucker Barnett

Kizzie Walker

Subscribed and sworn to before me this 13th day of Sept., 1901

Ed Morton
Sept. 13/01

Edwin A. Morton

NOTARY PUBLIC.

COMMISSIONERS
TAMM STICKY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

B. A. 90.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 17, 1903.

Nancy Jacob,

McDermott, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Emma Jacob, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,



Chairman.

Weleetka Ind Terr

March 17th 1906.

Commissioner

Tams Bixby.

Dear Sir: I have a girl (my daughter-minor) by the name of Emma Jacob which seems never been enrolled- we have made application for enrollment before but something wrong of this matter- I would like to bring the girl but am unable to come to Muskogee - I would like for you to send some blanks for enrollment of said minor which she is living.

Hope to hear soon in this matter and wish to file for her.

Am yours truly,

(Signed) Charles Jacob.

Address-

Weleetka, I. T.

I live 5 miles north west of Weleetka, I. T.

Muskogee, Indian Territory. March 28, 1906.

Charles Jacobs,

Weleetka, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of March 17, 1906, relative to the enrollment of your minor child, Emma Jacobs, you ask that certain blanks be sent you to complete her enrollment.

You are advised that on February 16, 1906, William Jimboy testified in said matter and was given affidavits partially filled out, which he promised to deliver to you for execution and signature. This matter should be attended ^{to} at once.

Respectfully,

Acting Commissioner.

41410

McDermott, Jesse,
Okemah, I. T.,
Creek Nation,
Sept. 21, 1904.

Asks if further evidence is
necessary in re application for
enrollment of Emma Jacobs.

(SEE ENROLLMENT)

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Okemah, Indian Territory, September 21, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sir:

I wish to be advised as to whether or not further evidence is necessary in the matter of application for the enrollment of Emma Jacobs, the minor child of Charlie and Nancy Jacobs, as a citizen by blood of the Creek Nation.

It appears to me that there was an affidavit in the further evidence necessary file and later changed to the new-born file.

Respectfully,

Jesse M. Dermott

INDEXED

43176

McDermott, Jesse
Okemah, I.T.
Creek Nation,
Oct. 2, 1906.

Transmits affidavits in re
enrollment of Emma Jacobs.

CREEK ENROLLMENT.

Oct 2 1906

Okemah, Indian Territory, October 2, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory

Dear Sir:

There are herewith enclosed the affidavits of the
mother and midwife in the matter of the application for the en-
rollment of Emma Jacobs, as a citizen by blood of the Creek Nation.

Respectfully,

Jesse McDermott

NBC 800.

Muskogee, Indian Territory, March 2, 1907.

Losanna Wildcat,

c/o Sandy Wildcat,

Bryant, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior on February 13, 1907, approved the enrollment of your minor child, Rhoda Wildcat, as a citizen by blood of the Creek Nation, and that the name of said child appears upon the roll of citizens by blood enrolled under the act of Congress approved April 26, 1906, as number 421.

This child is now entitled to allotment, and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1071

CR EN 1071

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Oktaha, I. T., August 16, 1906.

In the matter of the application for the enrollment of
Sam Bullet, deceased, as a citizen by blood of the Creek Nation.

JIM BULLETT being duly sworn testified as follows:
Through Alex Posey, official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Jim Bullet.
Q What is your age? A I am about 54 years old.
Q What is your postoffice address? A Oktaha.
Q Are you a citizen of the Creek Nation? A Yes sir, I am a full blood Creek.
Q To what Creek town do you belong? A Hillabee-kachaopata-kay.
Q Did you have a son named Sam Bullet? A Yes sir, we first named the child Sam Bullet, but afterwards decided to change the name to Jonas Bullet and he was known as Jonas Bullet until his death.
Q Do you remember the exact date of his death? A I can neither read nor write and have no record showing just when he died and do not remember the year or the month in which he died.
Q Do you remember in what season of the year it was when he died?
A He died in the Summer time; I had finished plowing corn and was plowing cotton at the time he died.
Q We have a joint affidavit executed April 17, 1902, by Arthur Bullet and Eli Grayson in which it is stated that Sam Bullet died July 18, 1899. Is the date as given in that affidavit correct? A That must be correct.
Q Who are Arthur Bullet and Eli Grayson? A Arthur Bullet was my son and a brother to Sam Bullet; Eli Grayson is an acquaintance.
Q When did your son, Arthur Bullet die? A He died about three years ago, when the plums were ripening.
Q Do you remember the circumstances of the opening of the Creek Land Office? A Yes sir.
Q Was your son Sam Bullet living at that time? A Yes sir, the child was then living but was sickly.
Q How long had people been filing upon their allotments at the time Sam died? A I cannot say positively whether it was in the Summer following the opening of the Land Office or the second Summer, but I am positive that he died after people began filing upon their land.
Q How old was Sam at the time of his death? A About 3 years old.
Q What is the name of his mother? A Lucy Bullet.
Q Is she a citizen of the Creek Nation? A Yes sir.

- Q To what Creek town does she belong? A Arbeka Deep Fork town.
- Q When did you file upon your allotment? A It was some time after the Land Office opened before I filed; I did not fully understand this allotment question at that time and did not file at once.
- Q How many years do you think it was after the Land Office opened until you filed? A Probably three years.
- Q Did you make any effort at the time you made selection of land for yourself and family to have Sam Bullet enrolled?
- A No sir, the child was dead and I did not know whether I would be permitted to have him enrolled and given an allotment of land. The child died at this place, and I moved to this place from over there across the creek after people began filing.
- Q How many years has it been since he died? A He died in the Summer of the year in which the Land Office opened, you can figure out the years yourself.
- Q Was the child more than three years old or less than three years old? A He was just about three years old.
- Q Do you know any one that would be able to give the Commissioner positive information as to the exact dates of the birth and death of your son Sam Bullet? A No sir, I do not.
- Q Did you have a funeral when you buried him? A There were several people present but we had no preacher.
- Q Who were any Can you name any of the people that were present?
- A I cannot recall anybody just now except Chennubba Harjo, but I am pretty certain that he wouldn't be able to give you much information as he is worse than I am on dates.
- Q Was Eli Grayson present at the burial of your child? A I do not think he was.
- Q Where does he live? A He lives near here but he is in Checotah today attending court.
- Q Does your wife know anything about the birth and death of this child? A No sir, she knows nothing about it.

Testimony of Lucy Bullet.

LUCY BULLET, being duly sworn testified as follows:

Through Alex Posey Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Lucy Bullet.
- Q What is your age? A Over 30.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q What is your postoffice address? A Oktaha.
- Q To what Creek town do you belong? A Arbeka Deep Fork.
- Q Did you have a child named Sam Bullet? A Yes sir.
- Q Do you know when he died? A I do not know.
- Q How old was he at the time of his death? A About 3 years old.
- Q Do you remember the circumstances of the opening of the Creek Land Office? A No sir.
- Q Do you know how many years it has been since your child Sam died? A No sir.
- Q What time of the year was it when he died? A I think the child died in the Summer time.

The witness is unwilling to testify and refuses to answer further questions.

Statement by Jim Bullet.

I made no attempt at the time I filed for myself and family to make selection of land for this child, not knowing at that time that the child would be entitled to an allotment of land, as I have not known until now that application was made for his enrollment; my son, Arthur Bullet, never told me that he had made application for his enrollment, though he stated to me once that the Commission had the child's name. If the child is entitled well and good, if not, it does not matter.

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true and correct transcript of his stenographic notes thereof.

James B. Myers

Subscribed and sworn to before me this the 20 day of August, 1906.

Allen May
Notary Public.

En. 1071.

VSC.
JCL.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Sam Bullet as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on April 17, 1902, application was made, in affidavit form, for the enrollment of Sam Bullet, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had August 16, 1906.

It appears from the evidence and the records in the possession of this office that Sam Bullet is the deceased child of James and Lucy Bullet, duly enrolled citizens of the Creek Nation, whose names appear on a partial schedule of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, March 13, 1902, opposite numbers 589 and 590 respectively; that he died in the summer of 1899 after the Creek land office opened and that he was about three years old at the time of his death.

It is, therefore, ordered and adjudged that the applicant Sam Bullet, deceased, is entitled to be enrolled under the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495) and March 1, 1901 (31 Stats., 861) and the application for his enrollment as such is accordingly granted.

Muskogee, Indian Territory.



COMMISSIONER.

JAN 3 1907

12

IN RE
THE DEATH OF

Sam Gullet

a citizen of the

in Creek Nation.

Approved _____ 190_____

DEPARTMENT OF THE INTERIOR

Commissioner.

FILED IN THE OFFICE OF THE COMMISSIONER

Filed April 17th 1902

On the 12th day of April 1902

ACTING CHAIRMAN

Received at the _____

Sam Gullet

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of

Sam Bullet
(Here insert name of deceased.)

a citizen of the

Creek

Nation, who formerly resided at or near

Dummit
(Here insert name of postoffice.)

, Ind. Ter., and died on the

13th

day of

July
(Here insert name of month.)

, 1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }

INDIAN TERRITORY, }

Northern District. }I, Arthur Bullet, on oath state that I am 22years of age and a citizen, by Blood, of the Creek Nation;that my post office address is Dummit, Ind. Ter.; that I ama brother of Sam Bullet,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)who was a citizen, by Blood, of the Creek Nation;and that said Sam Bullet died on the 13th day ofJuly
(Here insert name of deceased.)

, 1899.

Arthur's Bullet
mark

WITNESSES TO ME:

(Must be Two Witnesses.)

L P Hudson
J M TannerSubscribed and sworn to before me this 17 day of April 1902

My Commission expires May 8, 1905.

John M Tanner
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }

INDIAN TERRITORY, }

Northern District. }I, Eli Greyson, on oath state that I am 30years of age, and a citizen, by Blood, of the Creek Nation;that my post office address is Oakatoke, Ind. Ter.;that I was personally acquainted with Sam Bullet,
(Here insert name of deceased.)who was a citizen, by Blood, of the Creek Nation;and that said Sam Bullet died on the 13th day ofJuly
(Here insert name of deceased.)

, 1899.

Eli's Greyson
mark

WITNESSES TO ME:

(Must be Two Witnesses.)

L P Hudson
Thomas WilliamsSubscribed and sworn to before me this 17 day of April 1902William J Martin

Notary Public.

J.B.

D. C. 18.

Muskogee, Indian Territory, January 8, 1904.

Arthur Bullet,

Summit, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your brother, Sam Bullet, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission² at its office in Muskogee, Indian Territory, with two witnesses who know the date of the death of said brother, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

INDEXED

37438

Posey, Alex,
Calvin, I. T.,
Choctaw Nation,
August 31, 1906.

Transmits testimony in re
enrollment of Sam Bullet,
deceased.

CREEK ENROLLMENT.

REFER IN REPLY TO THE FOLLOWING:

D.A. 18.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Calvin, Indian Territory, August 31, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith the testimony of Jim Bullet taken by the Creek Field Party August 16, 1906, in the matter of the application for the enrollment of Sam Bullet, deceased, as a citizen by blood of the Creek Nation.

I have the honor to report that I was unable to secure the testimony of Eli Grayson which is desired in this case.

Respectfully,

Alfred May
In Charge,
Creek Field Party.

JBM

CR EN 1072

CR EN 1072

En. _____.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
SEPTEMBER 28, 1906 .

In the matter of the application for the enrollment of
Mary Elizabeth Ellis, as a citizen of the Creek Nation.

Appearances: J.G.Lieber, representing M.L. Mett, attorney
for Creek Nation.

Mary Elizabeth Ellis, being duly sworn, by H.G.Hains, a
Notary Public, testified as follows:

Examination by the Commissioner.

Q What is your name? A Well these letters I wrote it under the
name of Mrs. James F. Ellis, but my husband is dead, and my name
is Mary Elizabeth Ellis.

Q What is your age? A I am 64 years old.

Q What is your post office address? A Aurora, Missouri.

Q Have you also had Osa, Missouri, for your post office?

A Yes sir, I have used it sometimes I am at one place and some-
times at the other.

Q Have you written letters to this office in this year?

A Yes sir.

Q We have here one written by you or Mrs. James F. Ellis from
Aurora, Missouri, on August 23, 1906, and one written by the same
party July 8, 1906, from Osa, Missouri, and another by James F.
Ellis, written written September 26, 1906, from Osa, Missouri,
is that you? A They are all mine.

Q Have you ever written to this office before this year?

A Yes sir I have been writing about six years.

Q We have here a letter written by the United States Indian
Agent J. Blair Sheenfelt on May 20, 1901, to Mrs. James F. Ellis,
Osa, Missouri, in which it is stated that on the 20th of May, 1901,
that your letter of the 16th instant had been received and re-
ferred to the Commission to the Five Civilized Tribes; we have a
letter from Commissioner Needles written to Mrs. James F. Ellis,
undoubtedly written in answer to your letter of May 16, 1901; on
July 13, 1901, another letter from said Commissioner in Charge T.M.
Needles, dated February 27, 1904, written to Mrs. James F. Ellis
are you the party to whom these letters were written? A Yes sir,
My children wrote the letters for me.

Q Wrote them for you; have you that letter written May 16, 1901;
with you? A No sir, I sent it back.

Q You mean you sent the answer back? A I sent one answer back

Q Have you the answer to that letter you haven't the letter you
wrote yourself; I guess that is probably over at the Indian Agent's?

A Yes sir.

Q Before you wrote J. Blair Sheenfelt in May had you ever written
about your citizenship--that is ever five years ago? A No sir.

Q Did you ever appear in person at this office? A No sir, Never
was in the place before.

Q And these letters and answers to which I have just noted three
answers, that is all you have ever done? A Well, I started to
this place over five years ago, in August 1901, I started here but
I failed to get here and I had to turn back home, and the time
for my being present here to make enrollment or statement or some-
thing, being up didn't reached here.

Q You never did get up here? A No sir.

Q This is your first appearance? A Yes sir.

The letters referred to are made a part of the record in this case.

- Q What is the name of your father? A Henry Dunn.
- Q Is he dead? A Yes sir.
- Q When did he die? A In '54.
- Q What is the name of your mother? A A Caroline Carter before my father married her.
- Q She is dead too? A Yes sir, she died in '60.
- Q So your maiden name was Dunn? A Yes sir.
- Q Have you had any other name other than Dunn and Ellis? A No sir.
- Q Where were you born? A Barry County, Missouri.
- Q Way before the x war? A Yes sir, way before the war.
- Q Have you lived there all your life? A No sir, I have been in Arkansas a little while.
- Q And outside of the little while you were in Arkansas, you have lived in Missouri? A Except a few months in Oklahoma.
- Q When did you live in Oklahoma? A We come from ~~Ark~~ Oklahoma this coming October four years ago.
- Q 1902? A Yes sir.
- Q You went there in October? A We came from there, we came there four years ago last February.
- Q Then you stayed from February, 1902 until October, 1902?
- A We stayed there about eight months.
- Q In Oklahoma? A Yes sir.
- Q What place? A In Woodward County.
- Q You have never lived in the Creek Nation? A No sir.
- Q Never lived in Indian Territory? A No sir.
- Q Have you any ~~money~~ drawn any money in the Creek Nation?
- A No sir.
- Q No money was ever drawn for you? A No sir.
- Q Were you ever admitted by the Creek tribal authorities as a Creek citizen? A No sir.
- Q Or the Dawes Commission? A No sir.
- Q Or on appeal from those to the United States Court? A No sir.
- Q Never was admitted to citizenship in the Creek Nation? A No sir.
- Q Do you claim as a citizen by blood of the Creek Nation?
- A That is the way it was handed to me.
- Q And you never draw any money? A No sir.
- Q Your name does not appear in any of the Creek tribal rolls?
- A No sir, I don't think it is.
- Q On what do you base your claim to rights in the Creek Nation?
- Q Why do you think you have a right? A My mother gave it to me her folks had drafted there.
- Q Do you claim that your mother was a Creek Indian by blood?
- A That is what she told me.
- Q And she died in '61? A Yes sir.
- Q Do you know how much Creek Indian blood she claimed? A She claimed half.
- Q Did your father claim to have any Creek Indian blood?
- A No sir.
- Q So the only reason you think you might have a right as a Creek is because your mother told you she was a Creek and she died in '61. A Yes sir.
- Q Were you born in the state of Missouri? A Yes sir.
- Q And you lived there all your life? A Yes sir.
- Q Outside of a short while in Oklahoma and Arkansas? A Yes sir.
- Q And the only attempt you made for application to citizenship in the Creek Nation was to write letters inquiring what rights you might have? A Yes sir.

By Mr. Lieber:

The Creek Nation moves that this proceeding be dismissed for the following reasons: First, because it does not appear from the testimony that the name of this applicant is on any of the rolls of the Creek Nation.

Second, because it appears from the testimony that the applicant has never resided in the Indian Territory.

By Commissioner.

Q Have you any further statement to make? I have told you all I know. I can get some names from way back --- --there was some of these Indians, mother's relatives came to our house.

Lena Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lena Merrick

Subscribed and sworn to before me this 29th day of September, 1906.

Edward Merrick
Notary Public.

Cr. En. 1072.

JHW
AG

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Elisabeth Ellis as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on May 22, 1901, a letter from the applicant, Mary Elisabeth Ellis, was filed with the Commission to the Five Civilized Tribes asking information as to her alleged rights as a citizen by blood of the Creek Nation. The said letter, for the protection of the said alleged rights of the applicant, is herein considered an original application for citizenship in the Creek Nation. Further proceedings were had September 28, 1906.

The evidence shows that the applicant on the date of the proceedings above mentioned was sixty four years old and that she had never resided in the Indian Territory and that her name was not contained in any of the tribal rolls. The said applicant further testified that her mother, who died in the year 1881, claimed to be a Creek Indian by blood, but it does not appear from the evidence or the records in possession of this office that the name of the applicant herein appears on the roll of citizens by blood of the Creek Nation or that the applicant has ever been admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, under the Act of Congress approved June 10, 1896 (29 Stats., 341), or the United States Court in Indian Territory on appeal.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Mary Elisabeth Ellis as a citizen by blood of the Creek Nation, and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory,



COMMISSIONER.

FEB 2- 1907

Cr.Mn.1072.

Muskogee, Indian Territory, February 9, 1907.

Mary Elizabeth Ellis,

Osa, Barry County, Missouri.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-34.

Cr.En.1072.

Muskogee, Indian Territory, February 9, 1907.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Elizabeth Ellis, as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner

LM-38.

Gr.En. 1072.

Muskogee, Indian Territory, February 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Mary Elizabeth Ellis, as a citizen of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LN-36.

Through the Commissioner
of Indian Affairs.

Refer in reply to the following:
Land 14307-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Elizabeth Ellis as a citizen by blood of the Creek Nation.

The Commissioner finds from the evidence that the applicant on September 28, 1906, the date of the proceedings, was 64 years old, and that she had never resided in the Creek Nation, nor was her name contained on any of the tribal rolls. She testified that her mother who died in the year 1861 claimed to be a Creek Indian by blood, but the Commissioner failed to find from the evidence or the record in his possession that the name of the applicant appears on the roll of citizens by blood of the Creek Nation, or that she was admitted to citizenship by any competent authority. Therefore, on February 2, 1907, he denied the application. The record shows that the applicant was not enrolled by the Creek tribal authorities or by any other competent authority, and it is recommended that the decision of the Commissioner be approved.

Very respectfully,

C. T. Larrabee,

Acting Commissioner.

EEH-Y

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
O.K.

LRS I.T.D.

March 2, 1907.

5796, 5798, 6244, 6274-1907.
6254, 6484, 6504, 6510-1907.
6526, 6668, 6670, 6676-1907.
6678, 6698, 6702, 6706-1907.
6712, 6720, 6766, 6770-1907.
6812-1907.

36 12640-1907

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your Letter of Transmittal.
Minnie Atkins,	February 9, 1907.
Willie Nash (Freedman)	February 11, 1907.
James Anderson et al.	February 12, 1907.
Wallace Smith (deceased)	February 19, 1907.
Jakie Atkins (Freedman)	February 16, 1907.
Easter Scott, et al. (Freedmen),	February 9, 1907.
Mary Elizabeth Ellis,	February 9, 1907.
Charles Hawkins et al. (Freedmen)	February 13, 1907.
Jimmie Comer et al. (Freedmen)	February 14, 1907.
John Leacher (deceased),	February 14, 1907.
Olive Grant and Reba Coker,	February 16, 1907.
Gennetta Peters (Freedman),	February 16, 1907.
John Guy (deceased) (Freedman)	February 14, 1907.
Martha Porter (deceased),	February 14, 1907.
George Wolf (Freedman),	February 16, 1907.
Mattie Bird, deceased,	February 19, 1907.
Jennie Lewis (Freedman)	February 16, 1907.
Mary McMary	February 14, 1907.
Alonza Franklin (Freedman)	February 14, 1907.
Gracie Johnson (Freedman)	February 16, 1907.
Katie Jamison, deceased (Freedman),	February 14, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse H. Wilson,

Assistant Secretary.

21 inc. and 42 inc.
to Indian Office.

WUP 3/3/07.

Cr.En. 1072

Muskogee, Indian Territory, March 14, 1907.

Mary Elisabeth Ellis,

Aurora, Missouri,

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes in the matter of the alleged application for the enrollment of yourself as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1073

CR EN 1073

En. 1073.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, INDIAN TERRITORY.
MUSKOGEE, I.T. SEPT. 29, 1906.

11
In the matter of the application for the enrollment of *Jack*
Augustine ~~for enrollment~~ as a Creek Freedman.

Jack Augustine, being duly sworn by H.G. Hains, a Notary Public, testified as follows:

Examination by the Commissioner.

- Q What is your name? A Jack Augustine.
Q What is your age? A I was born in the '60s.
Q Born before the Civil War? A Yes sir.
Q War between the North and South? A Yes sir.
Q What is your post office address? A Fort Smith, now.
Q Arkansas? A Yes sir.
Q How long have you lived in Arkansas? A I don't ~~know~~ live in Arkansas at all, I live in the Choctaw Nation just across the line, but I get my mail at Fort Smith.
Q You get your mail at Fort Smith? A Yes sir.
Q How long have you lived there where you live now in the Choctaw Nation? A Four years.
Q Where did you come from to there? A Just on this side of the line from Independence, Kansas, to Lawton, Ok.
Q How long were you there? A Two or three years in and out.
Q Where did you live before that? A Down here by Fort Smith.
Q How long did you live there at that time? A I lived there about ten years.
Q Where did you live before that? A In the Territory, first, one place and then another.
Q Where were you born? A In Georgia.
Q How long did you live there after your birth? A I was about fifteen years old when I left there.
Q Where did you go from there? A To Nashville, Tennessee, and when the soldiers mustered out I came to Independence Kansas.
Q How long did you live there? A Five or six months and then moved to the Territory.
Q In the Choctaw Nation? A In the Creek Nation.
Q How long did you live in the Creek Nation? A About two years.
Q Where in the Creek Nation did you live? A Lawton, Oklahoma.
Q Lawton is not in the Creek Nation, it is in Oklahoma? A It was in the Territory then.
Q It wasn't in the Creek Nation--did you ever live in the Creek Nation? A No sir, never lived in the Creek Nation I lived in Lawton.
Q What is the name of your father? A Isaac Augustine.
Q Is he living? A He has been dead--died out here in the territory.
Q Well how long? A I can't tell you, ever since I can remember he has been dead.
Q Before the war? A Yes sir.
Q What is the name of your mother? A Annie.
Q Annie what? A Sutton I think.
Q Is she living? A No sir, she died when I was about 6 or 7 years old.
Q Before the war? A Yes sir.
Q Why do you appear here to day, what is your object in appearing today? A I made application about three years ago to get a

home they said I was entitled to a home here when I was in Georgia.

Q IN Georgia? A Yes sir, by the old people in Georgia they wrote me that I was entitled to a home in the territory.

Q Some lawyer? A No sir some of the old people.

Q Why did you come here today? A They told me that this was the last chance, they said the Dawes Commission would close out the 28th of this month.

Q Well now what did you expect to prove before the Dawes Commission? A Just wanted to prove that I was an ancestor of the Creek Nation.

Q Did you --do you claim that your father was a Creek by blood or freedman? A Creek by blood.

Q Don't claim that he was a slave? A No sir.

Q How much Creek Indian blood did your father have? A I don't know they said he was a Creek.

Q You don't know how much they said he was? A No sir.

Q Did your mother claimed to be a Creek? A She claimed to be a Cherokee from Georgia.

Q Do you claim as a Cherokee or Creek? A Creek.

Q And you claim through your father? A Yes sir.

Q You claim as a Creek by blood? A Yes sir.

Q And not as a Creek freedman? A No sir.

Q Have you ever received any money from the Creek Nation?

A Never had.

Q No money to your knowledge was ever drawn for you? A No sir.

Q And you know you didn't draw any yourself? A No sir, I didn't draw any.

Q Have you ever been admitted to citizenship in the Creek Nation by the Creek tribal authorities, that means have you ever been before the Creek Council with a petition that admitted you to citizenship and have them pass on your case? A No sir.

Q Were you ever admitted to citizenship in the Creek Nation by the Dawes Commission under the act of June 10, 1906? A No sir.

Q Were you ever admitted to citizenship by the decision of the United States Court on appeal from the Dawes Commission or the Creek tribal authorities? A No sir.

Q You never lived in the Creek Nation did you? A Lived at Lawton.

Q You mean what used to be in the Cherokee Nation and now in Oklahoma? A Yes sir.

Q There is no town by the name of Lawton in the Creek Nation?

A I went from one place in the Territory to another.

Q Do you claim to belong to any Creek Indian town in the Creek Nation, that means were you ever a member of any of the Creek Indian towns? A No sir.

Q And you are not enrolled as a member of any of the towns in the Creek Nation? A No sir.

Q And no money was ever drawn for you as a member of any of these towns? A No sir.

Q Is this the first time you have appeared before this office?

A Yes sir.

Q Have you any letters that you have written to this office-- have you written any letters to this office? A No sir, I wrote to the Interior about four years, and they sent the letter to the Dawes Commission.

Q Have you the answer from the Interior Department in answer to your letter? A No sir.

Q Haven't got it at all? A No sir, I got it at home.

Q Didn't you write this office about two years ago in which you asked to be permitted to file on land in the Creek Nation?

A Yes sir, in 1904.

Q And you present this answer to it? A Yes sir.

There is filed and made a part of the record in this case, a letter from the Commission to the Five Civilized Tribes, dated December 29, 1904, which reads as follows:

"Muskogee, Indian Territory, December 29, 1904.

"Jack Augustine,
Fort Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of ~~xxx~~ recent date, in which you ask to be permitted to file an a certain tract of land.

If you will advise the Commission of what Nation you are a citizen or freedman, and furnish a definite description of the land desired to be allotted by you, giving the number of the section, township and range, your letter will receive further consideration.

Respectfully,

(Signed) Tams Bixby,
Chairman.

Q Outside of that letter which is an answer to the one your wrote, you never wrote to this office? A No sir, not as I knew of.
Q And outside of that one letter ~~from~~ the Interior Department you have never written to this office? Jack London has charge of my case and he may have written letters, I think he wrote one on the 10th
Q Have you an answer to that letter? A Yes sir? A Yes sir, at home.
Q He is not here today is he? A No sir.
Q Why didn't he come? A I don't know.
Q Have you any statements to make? A Not more than asked to be allowed to get witnesses.
Q You will be allowed to introduce any witnesses you want within a reasonable time? A Yes sir.
Q You have one witness here, haven't you? A Yes sir, old man Vann.

Witness is advised that he will be allowed thirty days from date hereof within which to introduce any witnesses he may have and requested to furnish this office with any letters he may have ~~for~~ in this case.

G.W.Vann, being duly sworn by H.G. Hains, a Notary Public, testified as follows:

Q What is your name? A G.W.Vann.
Q How old are you? A 63.
Q What is your post office address? A Roland, I.T.Cherokee Nation.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Cherokee freedman or Cherokee by blood? A Cherokee by blood free man.
Q Is your mother a Cherokee? A My mother was a half Cherokee and my father a colored.
Q Do you know this applicant here? A Yes sir. I live about two miles from him.
Q How long have you known him? A I knowed him about '65.
Q Since about '65? A Yes sir. He came when we were soldiers when the army was at Fort Smith.
Q How many years how you know him? A About since '65.
Q You were soldiers together in the Civil War? AA I was in the army and he was a running around the camps there, he wasn't nothing but a young lad.
Q What is the name of your father? A I don't know.
Q Never saw him? A No sir.
Q What is the name of his mother? A I don't know. Augustine a bro

of this boy's mother came out and lived in the Creek Nation --- an uncle of this boy.

Q Where has this man lived all his life. He has lived in the Creek Nation and I don't where all.

Q Where did he live in the Creek Nation? A I was staying over here at Gibson and I used to see him there sometimes.

Q Do you know if he ever actually lived in the Creek Nation?

A Yes sir, he has been over here at Gibson, cause I seen him there myself at times, and he lived around here--

Q Did he live right here in Muskogee? A Yes sir and over here at Gibson, I never knowed his mother and I know his uncle.

Q Can you tell me the year he lived in the Creek Nation? A Yes , about '95 or '96.

Q You mean '65 don't you? A Yes sir, '65 or '66. Before the war.

Q Has he ever lived in the Creek Nation in the last ten or 20 years? A If he did I don't know.

Q You mean in following the army he was in the Creek Nation, that is what you mean? A Yes sir.

Q Do you know if he ever drew any money in the Creek Nation?

A I don't know if he ever did draw any money.

Q Do you know whether or not he was ever admitted to citizenship by the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States in Indian Territory?

A No sir, just traveling around with the army.

Q Have you any further statement to make? A No sir.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merrick

Subscribed and sworn to before me this 1st day of October, 1906.

R. H. Hines
Notary Public.

Cr.En.1073.

FHW
AG

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Jack Augustine as a citizen of the Creek Nation.

STATEMENT AND ORDER.

The record in this case shows that on December 29, 1904, a letter was received by the Commission to the Five Civilized Tribes from Jack Augustine in which he asks to be permitted to file on a certain tract of land, which letter for the protection of the alleged rights of the applicant is herein considered an original application for citizenship in the Creek Nation. Proceedings were had on September 29, 1906, "in the matter of the application for the enrollment of Jack Augustine as a Creek freedman".

The evidence in this case shows that the applicant Jack Augustine was born about the year 1860 and that he never established a permanent residence in the Creek Nation.

It does not appear from the records in the possession of this office that the name of the applicant herein appears on the roll of Creek freedmen prepared by J. W. Dunn in 1867 or that the said applicant has ever been admitted to citizenship by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), or the United States Court in Indian Territory on appeal, nor does the name of the applicant appear on any of the other tribal rolls of the Creek Nation.

It is, therefore, adjudged that there is no authority of law for the enrollment of Jack Augustine as a citizen of the Creek Nation and the application for his enrollment as such is hereby ordered dismissed.

Muskogee, Indian Territory,

FEB 7- 1907



COMMISSIONER.

COMMISSIONERS:
JAMES HIXBY,
THOMAS E. NEEDLES,
C. E. BRICKNBRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W.O.B.
Muskogee, Indian Territory, December 29, 1904.

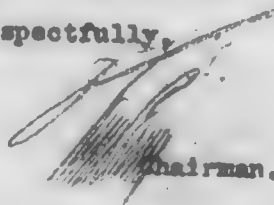
Jack Augustine,
Fort Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of recent date, in which you ask to be permitted to file on a certain tract of land.

If you will advise the Commission of what Nation you are a citizen or freedman, and furnish a definite description of the land desired to be allotted by you, giving the number of the section, township and range, your letter will receive further consideration.

Respectfully,


Chairman.

REFER IN REPLY TO THE FOLLOWING:

Gr. No. 1072

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

JWH

Muskogee, Indian Territory, February 9, 1907.

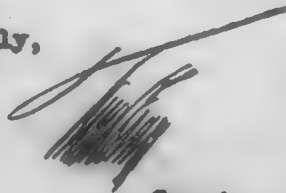
Jack Augustine,

Fort Smith, Arkansas.

Dear Sir :--

There is enclosed herewith copy of statement and order of the Commissioner to the Five Civilized Tribes, dated February 7, 1907, dismissing your application for enrollment as a citizen of the Creek Nation.

Respectfully,



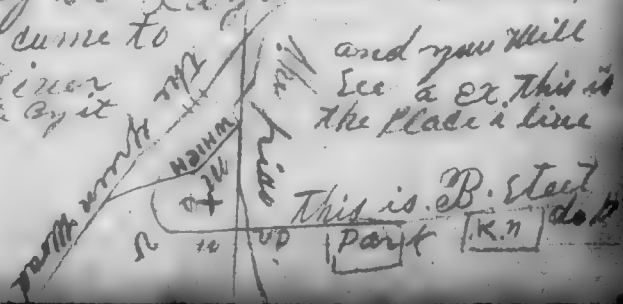
Commissioner.


Registered.

JWH 922

read
 May 29 1904

Just Smith Ark to the
 commission of the fine
 civilized tribes. my dear
 Sir Will. Let me fill in a
 little. I want to see that a
 commission an i got it from
 a little woman she sold me
 her instrument the Shak has
 been there for 4 years or five
 so she sold me all of her in
 prument of all her Right
 and i have Bell a note little
 Hatusi on it the Part i live
 on so my dear Sir it laing in
 and Bell and piece and the
 greenwood Railroad it is just
 a little piece of land laing
 like the Rude Run where is
 the way it Lay a little hill on
 B. Street came to
 Pateau Minor
 came into by it



19203 my dear sir if you will
Look at this what I just you can
see that the Midland Valley
Railroad is put a track a
cross the piece to the
greenwood track
so I had to move out of there
then now there is still there where
a raft to live on just a
little flat a Gate 25 feet
wide and a Gate
95 feet by 95 and the long
way is a Gate hundred feet
it lay in this shape 
so my dear sir will you please
to let me find out this and
what it take to do so this
is yours friend

Jack Augustine
at Bang to Indian Territory

CR EN 1074

CR EN 1074

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 10, 1905

In the matter of the application for the enrollment of James, Mary, Margaret, Martha and Nancy Deere as citizens of the Creek Nation.

John Wolf, being duly sworn, testified as follows (through Alex Posey, Official Interpreter);

EXAMINATION BY THE COMMISSIONER:

Q What is your name, age and postoffice address? A John Wolf; 50; Wewoka.

Q Have you lived recently in Anadarko, O. T.? A I visit there quite often.

Q Do you know a family over there composed of James Deere, and his daughters, Mary, Margaret, Martha and Nancy Deere? A Yes sir.

Q Are they all living, do you know? A Yes sir.

Q They have been allotted among the Wichitas or Cheyennes?

A Yes sir.

Q In which of the tribes have been allotted? A I think they are allotted among the Caddos and Wichitas.

Q Did you ever hear James Deere say whether he intended to return to the Creek Nation or not? A I saw James Deere just the other day and said that he decided to move back to the Creek Nation and take his allotment, but that he did not want to move away from there until he knew he could relinquish his allotment there.

THE COMMISSIONER: The witness is requested to inform Jim Deere in case he sees him that in order for him to be enrolled and allotted as a Creek, it will be necessary for him to appear before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, to prove that he has in good faith removed to the Creek Nation and relinquished his allotment among the Wichitas and Caddos.

Q What is Jim Deere's postoffice address? A Fort Cobb, O. T.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commissioner

to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
this the 16th day of August,
1905.

J. Y. Miller
Edw. L. Miller
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
FT. COBB, OKLA., SEPTEMBER 24, 1906.

In the matter of the application for the enrollment of James, Mary, Margaret, Martha and Nancy Deere, as citizens by blood of the Creek Nation.

JAMES H. DEERE being duly sworn testified as follows.

BY THE COMMISSIONER:

- Q What is your name? A James H. Deere.
- Q How old are you? A I was born the 30th day of January, 1844.
- Q What is your postoffice address? A Fort Cobb, Oklahoma, (R. F. D. #1).
- Q Are you a citizen of the Creek Nation? A Yes.
- Q To what Creek town do you belong? A Tulsa.
- Q Tulsa Little River? A Yes sir, sometimes they call it Tulsa Canadian.
- Q Who is your town king? A The town king now I couldn't tell you.
- Q Do you know who your former town king was? A I don't know, it used to be Robert Stuart and John Goat.
- Q Have you ever lived in the Creek Nation? A Yes.
- Q How long have you lived there? A I guess I lived there--- not since the war; I left there when the war broke out, and afterwards that I would go back there and stay a year with my folks and then come back out this way. Old Temiye Kernell is my uncle, and John Goat is my uncle.
- Q Have you other relatives living in the Creek Nation besides Temiye Kernell and John Goat? A There is a good many of them but I don't know them all; Jennie Davis is a niece of mine; Robert Frye's mother is a sister of mine and Mary Marshall is a sister of mine; they live close to Brokenarrow, and Rachael Perryman she is my cousin, and George Brooks' wife is a niece of mine, and your mother ought to know me, and your father knows me too (Referring to the Interpreter), and G. W. and Sam Grayson both know me well, also the chief, the governor, knows me.
- Q You have never resided permanently in the Creek Nation since the war? A No.
- Q Have you ever participated in any of the per capita payments in the Creek Nation? A Not since that money from the sale of Oklahoma, and there was another besides that.
- Q Do you refer to the \$29.00 payment which was made in 1890, and the \$14.00 payment which was made in 1895? A Yes sir.
- Q Do you know Mary Deere? A That is my sister, used to be Mary Deere, she is Mary Marshall now.
- Q Is she living? A She is living at Frye's, about seven miles southwest of Brokenarrow.

- Q Did you not have a daughter named Mary? A No sir, I had a wife named Mary, she is living yet, she is an Euche Indian.
- Q Where is Mary now living? A She is living at a place right northeast of Anadarko, on Spring creek; she has got an allotment there; they call her Mary Deere Worcester.
- Q Was she on the roll with you in the Creek Nation? A No, when we were married she was put on the roll when were were drawing the Oklahoma money.
- Q She was on the Creek roll then? A Yes.
- Q Do you know who her parents are? A Her father died in the army, his name was Corporal Blackfoot, he used to be known as Corporal Blackfoot in the army, and died near Gibson.
- Q Was he a Creek citizen? A No sir, he was an Euche Indian, and Mary's mother was a full Choctaw woman, and is living yet, she is very old.
- Q The Mary who appears on the roll as your daughter was in fact your wife? A Yes.
- Q About how old is she? A She is about, some way about 38, or maybe older, I say she is older, she was a little girl when the war broke out; she is about 40, she was about five years old when the Civil war broke out.
- Q She has been allotted land as a Wichita, has she? A Yes sir, with the Caddos and Wichitas.
- Q Did she make selection of allotment herself? A The land was allotted to her by the Government, she made no selection of land herself.
- Q Do you know Margaret Deere? A That is my daughter.
- Q Is she living? A Yes, she is living.
- Q Who is her mother? A This Mary Deere.
- Q Where has she taken her allotment? A She is allotted by me, I selected her land just five miles west of Fort Cobb.
- Q Has she a family? A Yes sir, she has got a husband but her husband is not much account; I got all her land leased and a house built on it and improved it for her; she has a little boy.
- Q What is the name of her husband? A Thomas Worcester, but she is not lawfully married to him; this Thomas Worcester married my old wife and had an illegitimate child by my daughter, so he is not Margaret's lawful husband.
- Q Is she enrolled with the Wichitas as Margaret Deere? A Yes sir.
- Q How old is Margaret?

Witness presents a Bible record which reads as follows:

"Margaret Deere, born 16th day of July, 1880."

- Q Do you know Martha Deere? A Yes sir, that is my daughter.
- Q Is she living? A No sir, she is dead.
- Q When did she die? A She must have died in 188---, it was in September, but I don't know what year, she was ten years anyway.
- Q Do you know when she was born? A I have a Bible record.

The Bible record referred to reads as follows:

"Martha Deere born 16th day April 1878."

- Q Then she has been dead about 18 years? A Yes.
- Q Is Mary, your former wife, also the mother of Martha? A Yes.

- Q Do you know Nancy Deere? A I guess that is Jennie, I have got no Nancy Deere.
Q Is Jennie living? A Yes.
Q How old is she? A It is in the Bible record.

Said Bible record reads as follows:
"Jennie Deere born 30th day October, 1877."

- Q Where has Jennie taken her allotment? A With the Wichitas, about five miles west from Fort Cobb
Q You selected her allotment yourself? A Yes.
Q Have you drawn money for your children as Creeks? A I drew it the last time they drew Oklahoma money.
Q You refer to the 1890 and '95 payments? A Yes sir.
Q Have any of your children lived in the Creek Nation permanently? A X Jennie lived there a while, not long. They were all born in Oklahoma.
Q No selection of land was ever made for your daughter deceased daughter, Martha? A No.
Q Is it your intention to remove to the Creek Nation?
A It was last year, but I have now changed my mind, and have concluded to reside permanently in Oklahoma.
Q You do not then wish to relinquish your rights here?
A No sir.
Q Then you desire to relinquish whatever rights you have in the Creek Nation? A Yes.
Q Do you make this election on behalf of yourself and children?
A Yes.
Q You have consulted their wishes in this matter have you?
A Yes sir.
Q Did your former wife, Mary, participate in the per capita payment in the Creek Nation with yourself and children?
A Yes sir.
Q Do you know whether or not she ever made election as to where she wished to be enrolled and given an allotment of land?
A No sir, she had nothing to do with selecting land for herself, it was set aside for her by the Government, and the Government arbitrarily filed her.
Q Was this allotment set aside to her before or after you separated from her? A It was after we were separated.
Q You had nothing to do with securing her allotment? A No sir.
Q Under what name is she enrolled with the Caddos and Wichitas?
A Her name is on the roll as Mary Deere Worcester.
Q Did she ever participate in any of the per capita payments in the Choctaw Nation? A No sir, only in the Creek Nation.
She has a number of relatives living among the Euchs. Her mother is a full blood Choctaw woman and is living, but Mary was never enrolled in the Choctaw Nation; her mother's relatives down there, I think, are the Fulsons. Mary's mother's full name in Choctaw is Tenehiyah Blackfoot. Her father was an Euche Indian named Corporal Blackfoot, who died about the close of the Civil war at Gibson; that is how come her to be on the Creek roll with me.

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he

recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes thereof.

James R. Myers

Subscribed and sworn to before me,
this 8 day of October, 1906.

Notary Public.

JBM

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James, Mary, Margaret, Martha and Jennie Deer as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on March 28, 1905, James Deer addressed a communication to the Commission to the Five Civilized Tribes, in which he inquired about the rights to enrollment as citizens by blood of the Creek Nation, of himself and his daughter, Jennie Deer. This communication was duly received by the Commission, and is considered as an original application for the enrollment of said James and Jennie Deer as citizens by blood of the Creek Nation. Further proceedings in the matter of said application were had on August 10, 1905, at which time the names of Mary, Margaret and Martha Deer were mentioned, which mention is herein treated as an application for enrollment as citizens by blood of the Creek Nation. Further proceedings in the matter of said application were had at Fort Cobb, Oklahoma, on September 24, 1906.

The evidence in this case shows that Mary Deer was the wife of James Deer; that Margaret, Martha and Jennie Deer are children of the said James and Mary Deer, and were born respectively, July 16, 1880, April 16, 1878 and October 30, 1877. The evidence further shows that the said Martha Deer died about the year 1888, and that all of the other applicants herein were living at the date of the last proceedings had herein. The evidence further shows that James, Mary, Martha and Margaret Deer appear upon the authenticated 1890 tribal roll of the Creek Nation at Little River Tulsa Town, page 142 as "James H. Deere", "Mary Deere", "Burtha" and "Martha Deere", and that all of said applicants appear upon the 1895 pay roll of the Creek Nation, Little River Tulsa Town, opposite numbers 336 to 340 thereof, inclusive; the name of the said applicant, Jennie Deer, appearing thereon as Nancy Deer.

The evidence in this case shows that all of the applicants have lived in Oklahoma Territory during most of their lives, and that those of the applicants now living have received allotments of Caddo and Wichita lands in the Oklahoma Territory. It does not appear that any application has ever been made for the relinquishment of said allotments. On September 24, 1906, James Deer, on behalf of himself and Jennie Deer, for whom he had made application on March 28, 1905, formally renounced all their right in and to the lands of the Creek Nation, and announced their intention never to return thereto.

It appears that on September 24, 1906, all of said applicants were still living in Oklahoma, and had never returned to the Creek Nation.

2.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of the said James Deer, Mary Deer, Margaret Deer, Martha Deer and Jennie Deer as citizens by blood of the Creek Nation, and the application for their enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

JAN 31 1907

Copy

Mustang, Indian Territory, March 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

You are hereby advised that the enrollment of the persons hereinafter named, as citizens of the Creek Nation, and whose names appear on the authenticated tribal rolls of said nation, has not been determined by the Commission for various reasons, among which is that the Commission is advised that they have taken allotments as Absentee Shawnees:

Zon-hao-teo-tay, also known as Jimmy John and Rufus Cook, aged 20; a son of Sam John, a Shawnee Indian, and Cho-qu-wa, a full blood Creek Indian.

James Dear, aged 20; a son of Cho Harjo, a full blood Creek Indian, and a Shawnee woman whose name is unknown; and his four daughters: Mary, aged 20; Margaret, aged 25; Martha, aged 18, and Henry Dear, aged 15. The name of the mother of these children is unknown; she is deceased, and was a Shawnee Indian.

Herbe, also known as Sam Warrior, aged 20. His father is deceased and unknown, and was a full blood Shawnee Indian, and his mother is deceased and unknown, and was part Shawnee and part Apache.

Cora Starr, nee Kilis, aged 20; a daughter of Cohlar, deceased, a Shawnee Indian, and Jennie Kilis, deceased, a Creek Indian; and her three children: Clara Starr, aged 15, Henry Starr, aged 12, and Amie Starr, aged 7. The father of these children, Charley Starr, is a Shawnee Indian, and all the members of his family are reported to be residing near Shawnee, Oklahoma Territory.

2 Secretary of the Interior.

Katie Ellis, aged 48; a daughter of Jack Ellis, deceased, a Shawnee Indian, and Fannie Ellis, deceased, a Creek Indian; and her three children: Henry Ellis, aged 20, whose father is a Shawnee Indian by the name of Alapant; Mary Ellis, or Mary Jagg, aged 17, whose father is deceased, was a Shawnee Indian and known as Sam Jones and Sam Reed; and Willie Ellis, aged 10, whose father is unknown.

Dick Ellis, aged 20; a son of Jack Ellis, deceased, a Shawnee Indian, and Fannie Ellis, deceased, a Creek Indian; and his wife, Nellie Ellis, aged 25, a daughter of Hagooda and Fongee, both Shawnee Indians; and his two sons, Frank Ellis, aged 22, a son of Annie, a Shawnee Indian; and Herbert Ellis, aged 23, a son of Mchads, a Cherokee Indian.

In order that the enrollment of the aforesaid mentioned persons as Creek citizens may be disposed of as speedily as possible, you are respectfully requested to advise the Commission whether the records of the Indian Office disclose that all, or any, of the aforesaid named persons have taken allotments of lands among the Shawnees in Oklahoma, and if so, whether their allotments have been relinquished and cancelled.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

I. 3094

(COPY).

D.C. 15496-1905.

Fort Cobb, Okla.

March 28th, 1905.

Hon. Tamm Dixie Esq.

Chairman of the Commission to the five civilized Tribes
Muskogee, Indian Territory.

Dear Sir-

I am a citizen of the Muskogee Nation and I want to know if any chance for me and my daughter Jennie Deer and myself James Deer, or Jim Deer sometime they call me--we strayed away from our tribe and been out here among the Wichitas and Caddoes tribes of Indian for a long time, and if any way open for us to go back to our tribe we belong to I wished you would inform me by writing me a letter if you please. You can go to Chief Porter and asked him he knows me well. Wattie A. Palmer, John R. Goet, Frank Jacobs, Robert Fry they are all my relatives. I dont like the country much, too much wind in this country, awful windy country and no rain great many times also very dry in season. We have land allotted to us here. But we dont feel at home here, as we would feel down there among our own tribe be more satisfactory to us- to be among my people. Of course we have to relinquish our allotment to this tribes Wichitas and Caddoes, or to the Government, which we have improvement on the land- do we get pay for our improvement, how is it will you please explain to me- I want to know.

Will you please see Chief Porter and asked him if I could go back to my tribe again, myself and my daughter Jennie Deer. I think our names are on the original rolls of the Creek Nation or tribe rolls.

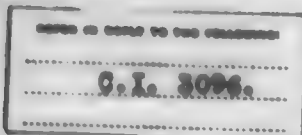
#2.

You find good many Seminole citizen among these tribes Indian here-
also few Creeks. Citizens- yes if you please let me know if any
chance for me and my daughter open for us to go back to our tribe
again-- will be ever so much thankful to you.

Yours very Respectfully,

James Deer.

R.S. Tulsa Band where I belong- my father was Chief of this band-
before he died- my fathers name Echo Harjo.



DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Holdenville, Indian Territory, October 4, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith the testimony of James H. Deere, taken by the Creek Field Party September 24, 1906, in the matter of the application for the enrollment of James, Mary, Margaret, Martha and Nancy Deere, as citizens by blood of the Creek Nation, together with a copy of the testimony heretofore taken in said cause, and copy of Creek Indian Card, Field No. 3096.

I have the honor to report that the Creek Field Party failed to secure the testimony of Mary Deere in this case on account of her absence from home, but another effort will be made to secure her testimony if the same is deemed necessary.

Respectfully,

W. H. May
In Charge,
Creek Field Party.

JBM

REFER IN REPLY TO THE FOLLOWING:

C I 3096.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of James Deere, et al., as citizens by blood of the Creek Nation, I have the honor to report that the Creek field party is unable to secure further evidence and there is returned herewith copies of the testimony heretofore taken in said cause.

Respectfully,

In charge of Creek field party.

Cr. No. 1074.

Muskogee, Indian Territory, February 2, 1907.

Port Cobb, Oklahoma Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and children, James, Mary, Margaret, Martha and Jennie Deere, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM-89.

Cr. No. 1074/

Muskegee, Indian Territory, February 2, 1907.

M. L. Mett,

Attorney for Creek Nation,

Muskegee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of James Deere, et al., as citizens of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-99.

Cr.Rm.1074.

Muskogee, Indian Territory, February 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of James Deere, et al., as citizens of the Creek Nation, including the decision of the Commissioner denying said application.

Respectfully,

Commissioner.

LM-67:

Through the Commissioner
of Indian Affairs.

155 TC

VEGETABLE COMPOSITION

Q. E. Fullerton
Lacy Leathersmith

coming to be collected and the subject is recommended.

The question of the composition has been examined and the subject is not expected to be examined.

Check section. On January 23, 1904, the composition was sent to the Department of the Interior and the Department of the Interior. The Department of the Interior is the only one of the Department of the Interior. The Department of the Interior is the only one of the Department of the Interior.

The Department of the Interior is the only one of the Department of the Interior.

211:

The Department of the Interior

The Department of the Interior

COPIA

1722-1701

1722

AVENUE OF INDIA 1701

OFFICE OF INDIA 1701
DEPARTMENT OF THE INTERIOR

Refer in India to the following

DEPARTMENT OF THE INTERIOR
WASHINGTON.

JY
RJH

I.T.D. 3040, 6130, 7234, 7232, 7232, -1907
7236, 7310, 7324, 7334, 7342, 7306,
7306, 7306, 7400, 7402, 7404, 7416,
7430, 7432, 7434, 7436, 7438, 7440,
7442, 7444, 7446, 7506, 7520, 7632,
LRS 7670, 7702, 7704, 7712, 7720, 7724-1907.

March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir;

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed,. Copies of Indian
Office letters submitting your reports and recommending that the
decisions be affirmed are inclosed.

Title of Case.

Date of your letter
of Transmittal.

Annie Davis, et al., (freedman),
Martha Honika Davidson,
William Perryman,
Isabel Nisco,
Kissie (deceased)
Mary Perryman, (deceased)
James Larnoy (deceased)
Genetta and Isabella Bentie, (freedman)
Baker,
James P. Vandilston, (deceased)
Lilly Valentine, et al., (freedman),
Frank Jackson, (deceased freedman)
Rose Blanton, (freedman),
Lela Love, (freedman)
Dora Lee and Savannah C. Castle, freedman,
James Davis, et al.,
Charley Kernell,
Willard Smith, (freedman)
Lilla Jefferson (freedman)
Bertha Anderson, (freedman)
Katie Smith deceased (freedman)
Lary Grayson, deceased,
Bullison Hynde,
Leah Thompson, deceased,
Hollie Graham, (freedman)
Milochow (or Hollie Ned)
William Bennett, (freedman)
George W. Bird deceased,
Joseph H. Wheeler Conkman, deceased,
Charles Galen Bryant,
William and Lisa Parker,
Richard Watkins, freedman,
Walter Smith, deceased,
William Smith, deceased,

February 8, 1907
February 9, 1907
February 10, 1907
February 16, 1907
February 18, 1907
February 16, 1907
February 20, 1907
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February 24, 1907,
February 25, 1907
February 25, 1907
February 25, 1907

Gr.En. 1074.

Muskogee, Indian Territory, March 13, 1907.

James Deere

Fort Cobb, Oklahoma Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself and children, James, Mary, Margaret, Martha and Jennie Deere, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

RESIDENCE: _____

POST OFFICE: Quadsako, Okla.

Nation. _____

Roll. _____

CARD No. _____

FIELD No. 3096

Dawes' Roll No.	NAME.	Relation-ship to Person first Named.	AGE	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.	District.	No.	Name of Father.	Year.	District.	Name of Mother.	Year.	District.
1	Dur, James		50	M	3/4	1895	L.R. Tulsa	336	Cho Ho-jo	1895	L.R. Tulsa		1895	L.R. Tulsa
2	Mary	Daughter		F	3/4	"	"	337	No 1				1	Shawnee
3	Margaret	"		"	3/4	"	"	338	No 1				2	"
4	Martha	"		"	3/4	"	"	339	No 1.				2	"
5	Nancy	"		"	3/4	"	"	340	No 1				2	"
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														

11-18

These notes are on page 142

All have been living near Anadarko, for years.

Ages of children - unknown to Town officers, who think said children received allotments in Shawnee reservation.

No 1 or 1890 Roll page 142 as James H. Dur

" 2 "

All have been living near Quadsako, for years.

Age of children unknown to Town officers, who think said children received allotments in Shawnee reservation No 1 or 1890 Roll page 142 as James H. Dur, Mary Dur, Martha Dur, Nancy Dur.

5/23/1901

Residence _____

Card No. _____

Post Office Anadarko, Okla. Ter.

Chick

NATION.

Chick

ROLL.

Field No. 3096

Dawes' Roll No	NAME	Relation-ship to Person First Named	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.							
						Year.	County.	Page.	Name of Father.	Year.	County.	Name of Mother.	Year.	County.		
1	Deer Jaines		50	M	3/4	1890	L.R. Tulsa	142	Chas Harjo	And	L.R. Tulsa				dead	L.R. Tulsa
2	Mary	Daughter	30	F	3/8			142	No 1							Shawnee
3	Margaret		25		3/8			142	No 1							
4	Martha		18		3/8			142	No 1							
5	Nancy		15		3/8	1895		340	No 1							
6																
7																
8																
9																
10																
11																
12																
13																
14																
15																
16																
17																
18																

*Age of children unknown to Town Officers, who think said children received allotment in Shawnee reservation.
"Not Shawnee" - see Department letter.*

*No. 1 on 1890 roll as "James H. Deer"
"Mary Deer"
"Martha Deer"
"Nancy Deer"*

All on 1895 roll in the order as given above.

*All have been living near Anadarko for years
Must remove to Chick Nation before enrollment.*

AGENCY:

POST OFFICE:

Anadarko, Oklahoma

Nation.

Roll.

CARD No.

FIELD No. *3096*

NAME.	Relationship to Person first Named.	AGE	SEX	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
					Year.	District.	No.	Name of Father.	Year.	District.	Name of Mother.	Year.	District.
<i>1 Deer, James</i>		<i>50</i>	<i>M</i>	<i>3/4</i>	<i>1890</i>	<i>L. R. Tulsa</i>	<i>Page 142</i>	<i>Cho Harjo</i>	<i>Dead</i>	<i>L. R. Tulsa</i>			
<i>2 Mary</i>	<i>Daughter</i>	<i>30</i>	<i>F</i>	<i>3/8</i>	<i>"</i>	<i>"</i>	<i>142</i>	<i>No. 1</i>					<i>Dead L. R. Tulsa</i>
<i>3 Margaret</i>	<i>"</i>	<i>25</i>	<i>F</i>	<i>3/8</i>	<i>"</i>	<i>"</i>	<i>142</i>	<i>No. 1</i>					<i>" Shawnee</i>
<i>4 Martha</i>	<i>"</i>	<i>18</i>	<i>F</i>	<i>3/8</i>	<i>"</i>	<i>"</i>	<i>142</i>	<i>No. 1</i>					<i>"</i>
<i>5 Nancy</i>	<i>"</i>	<i>15</i>	<i>F</i>	<i>3/8</i>	<i>1895</i>	<i>"</i>	<i>340</i>	<i>No. 1</i>					<i>"</i>
<i>6</i>													
<i>7</i>													
<i>8</i>													
<i>9 All have been living near</i>													
<i>10 Anadarko for years</i>													
<i>11 Age of children unknown to</i>													
<i>12 Town officers, who think said chil-</i>													
<i>13 dren received allotments in Shawnee</i>													
<i>14 reservation.</i>													
<i>15</i>													
<i>16</i>													
<i>17</i>													
<i>18</i>													

En 1074

(to Body)

May 23, 1901

See Shawnee see Department letter

CR EN 1075

CR EN 1075

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JUNE 22, 1906.

In the matter of the application for the enrollment of
Simon Percy Thompson, as a citizen by blood of the Creek Nation.

Simon Thompson, being duly sworn, testified as follows:

Q What is your name? A Simon Thompson.
Q What is your age? A 26 years old.
Q What is your post office? A Irene.
Q Are you a citizen of any of the Five Tribes? A No sir.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Virona Beddoe.
Q That was her name before you married her? A Yes sir
Q Now Virona Thompson? A Yes sir.
Q Have you a copy of your marriage license with you? A No sir.
Q You are advised that you must furnish this office with
either the original or a certified copy of your marriage license,
to show the change in your wife's name from Beddoe to Thompson.
Q What is the name of your wife's father? A Lonzo Beddoe.
Q What is the name of your wife's mother? A Before she was
married?
Q Yes, just her first name? A I can't tell you.
Q You don't know whether it is Martha or not? A Yes sir, it is
Martha.
Q Do you know what Creek Indian town she belongs? A No sir.
Q Name some of her brothers and sisters? A Lonzo, Melvina
Hettie.

The mother of said child is identified as Virona Beddoe,
opposite Creek Indian Roll No. 5737.

Q Did you have a child by her named Simon Percy Thompson?
A Yes sir.
Q Is that child living? A No sir, its dead.
Q When did it die? A 27th of April.
Q Did you have a midwife when the child was born? A Yes sir.
Q Who? A Malissa Dunn.
Q How old was said child when it died? A Two months old.
Q Two months old to a day or more or less? A Just almost to
a day.
Q What day of the week was it born on? A Tuesday.
Q Are you sure of that? A Yes sir.
Q What day of the week did it die? A It was on Friday.
Q Did you have a doctor when the child died? A Yes sir.
Q What is his name? A Dr. Lovelady, and Dr. Board.
Q Did they live at Irene? A One lived at Bearden and Dr.
Board lived at Okemah.
Q Where did the child die? A One mile north and a mile and
a half west of Irene.
Q How did you come to have these doctors from these other towns?
A Well, Irene was just a post office then and there was no
doctors there.
Q Now Mr. Thompson, do you know what time--the latest --on which

a child can be born to be entitled to enrollment, a date after they were born that wouldn't be entitled? A March 4th.

Q You are familiar with dates aren't you? A Yes sir, but I have been bothered with sickness so much I haven't read very much.

Q Has this day which you have fixed for the birth and death influenced you in anyway in your desire to have the child come within the provisions of the law? A No sir.

Q Could you, if called upon, produce witnesses as to the date of the birth of that child? A Yes sir.

Q Who would you furnish? A I would furnish the midwife.

Q We have her affidavit? A I could get the doctor.

Q Was he there when the child was born? A No sir, he was on the way there and I met him.

Q Did he charge you anything? A No sir.

Q He wouldn't have any record of it in his books? A I don't reckon he would.

Q You know what month this is, you are pretty familiar with dates? A Yes sir.

Q You know this is the sixth month in the year? A Yes sir.

Q What month in the year was this child born in? A Second month.

Q You are sure of that? A Yes sir.

Q What --was it the last day of the month? A No sir, on the 27th.

Q When was that with regard to the last---? A As near as I can remember it was --February has only 28¹/₂ days in February.

Q You are certain it was born in March, as late as March?

A No sir, it wasn't born in March.

Q You are certain it lived as much as two months? A It just lacked from--it died Friday morning at six o'clock and fifteen minutes, and if it had lived until eight o'clock that night it would have been two months old.

Q Were you there when the child was born? A Yes sir.

Q Anybody else except the midwife? A My brother's wife was there.

Q What is her name? A Clara A. Thompson.

Q Anyone else? A That's all.

Q What was the name of the undertaker who buried the child?

A Olonzo Beddoe, he was the man that put the child away, hauled it to the graveyard and put it away, the child's grandfather.

Q That isn't his business, is it? A No sir.

Q Did you buy anything about the time of the funeral from the store to bury the child with, such as coffin, or lumber, clothes, and things like that? A I bought a coffin ready made.

Q From whom? A John D. Richmond.

Q From Irene? A From Okemah.

Q Did he make any entry of that? A I suppose he did, cause I sent my brother and he had it charged.

Q How does it come Mr. Thompson that your wife, in executing an affidavit May 11, 1906, didn't say anything about the death of this child, do you know? A I don't know.

Q The child was dead at that time wasn't it? A I don't expect the child was dead when she made the affidavit.

Q Well, the proof shows that she made an affidavit out May 11, isn't May 11 after April 27? A Yes sir, May comes after April. I don't know how it comes.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merrick

Subscribed and sworn to before me this 22nd day of June, 1906.

W. H. Haines

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
SEPTEMBER 11, 1906.

N.B.C. 129.

In the matter of the application for the enrollment of
Simon Percy Thompson, deceased, as a citizen by blood
of the Creek Nation.

APPEARANCES: John G. Lieber, acting for M. L. Mott,
attorney for Creek Nation.

Virona Thompson, being first duly sworn by Henry G. Hains,
a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Virona Thompson.
Q: How old are you? A: 18 years old last July.
Q: What is your post-office address? A: Irene, Indian Territory.
Q: What is the name of your father? A: Alonzo Bedoe.
Q: What is the name of your mother? A: Martha Bedoe.
Q: Are you the wife of Simon Thompson? A: Yes sir.
Q: When were you married to him? A: The 20th. of last March
a year ago.
Q: What was your name before you married him?
A: Virona Bedoe.
Q: Have you any children by him? A: Yes sir.
Q: How many? A: One.
Q: What is its name? A: Simon Percy Thompson.
Q: When was it born? A: February 27th.
Q: What day of the week? A: Tuesday.
Q: Are you sure of that? A: Yes sir, it was Tuesday morning.
Q: How old was it when it died? A: It was 2 months old, just
to a day.
Q: When did it die? A: In April the 27th. in the morning.
Q: What day of the week was that? A: Friday, it was buried
the same day it died.
Q: Did you have a Doctor when the child was born?
A: No sir.
Q: Whom did you have? A: Malissa Gunn, a midwife.
Q: Is Malissa Gunn any kin to you? A: No sir.
Q: Did you have a Doctor when the child died? A: No sir,
there wasn't any Doctor there when the child died, there
was a Doctor there just before it died.
Q: The day before or two days before it died, or when?
A: Just the day before it died, that is right.
Q: What Doctor was there? A: Dr. Lovelady and Dr. Verds.
Q: What is their post-office? A: Bearden, is Dr. Lovelady's
and Dr. Verds, is at Okemah.
Q: Well now do you remember of making out an affidavit about
the birth of this child? A: Yes sir.
Q: How old was this child at that time? A: Well I couldn't
say how old it was at the time, I don't remember.
Q: Was it living? A: No sir, it wasn't living.

- Q: Well why didn't you state in that affidavit that it was dead
A: I don't know why I didn't.
Q: Well now how long had it been dead when you made out that affidavit? A: We made out the affidavit on Tuesday morning.
Q: I am asking you how long had that child been dead at the time you went to make this affidavit out?
A: I couldn't say how long it was, I couldn't remember, it hadn't been dead very long though, not a month.
Q: Did you sign this affidavit Mrs. Thompson? A: Right here, yes I signed that.
Q: Did you know what you were swearing to when you signed it?
A: Yes sir.
Q: That is true, is it? A: Yes, I think it is. Yes sir, it was true.

Questions by John G. Lieber, acting for M. L. Mott attorney for Creek Nation.

- Q: Did you swear to that before a Notary Public, Mrs. Thompson?
A: Yes sir.
Q: Where does the Notary Public live? A: Okemah.
Q: Now Mrs. Thompson, how do you know that this child was born the 27th. of February? A: I know it was, because it was on that date. I know it was born on that date.
Q: How do you remember that particular date?
A: Well I remember it because it was the date it was born.
Q: Did you make any record of its birth Mrs. Thompson?
A: Yes sir, I have a record at home.
Q: In what? A: In the bible.
Q: When was the record of its birth made in the bible?
A: The 20th. of March I believe.
Q: Is that when you made the record in the bible?
A: Yes sir, we put its birth down when it was born.
Q: How do you happen to remember that it was the 20th. of March that you put that record down in the bible?
A: Well I don't believe I can hardly understand the question.
Q: You said you put the record down in the bible on the 20th. of March, is that right? A: Yes sir.
Q: How do you happen to remember that it was on the 20th. of March that you actually wrote it in the bible?
A: Well I just remember the date.
Q: What causes you to remember that particular date?
A: Because I wrote it on that date and I haven't forgotten it.
Q: In writing the record down, did you give the date you actually wrote the record, did you put that date down too?
A: Yes sir, I just wrote his name and that it was born on what date.
Q: Well now tell me just exactly what that bible record shows, just exactly how it reads? Just tell the stenographer there? A: Simon Pearcey Thompson, born the 27th. of February.
Q: That is all there is to it? A: Born the 27th. of February.
Q: Haven't you got anything down there that shows the date you actually wrote that in the bible? A: No sir that is all there is to it. Simon Pearcey Thompson born the 27th. of February.

Question by Commissioner:

Q: Don't it give the year? A: No sir, I didn't put the year.

Questions by John G. Lieber, acting attorney for Greek Nation.

Q: But you say it was on the 20th. day of March when you wrote that in the bible? A: Yes sir.

Q: What day of the week was that you wrote that in the bible?

A: Well I don't remember the day of the week.

Q: What I am trying to get at Mrs. Thompson is the date you actually wrote that in the bible, how do you happen to remember that? A: I don't know, just remember the date I wrote it, I know on what day I wrote it.

Q: You don't know what day of the week it was?

A: No sir, I told you I disremember the day.

Q: Did you write it yourself or did your husband write it?

A: I wrote it myself.

Q: How long were you sick after the child was born?

A: I was in bed, I couldn't say how many days but it was about 3 weeks.

Q: How long had you been up when you made that record in the bible? A: I hadn't been up very long.

Q: Well about how long.

Q: Well I hadn't been up but just a few days. I wasn't in bed quite three weeks, about 2 weeks and a half maybe.

Q: How did you happen to think about putting the record of its birth down in the bible? A: Why I just thought I would write it down, so I could remember it.

Q: Have you any other children? A: No sir, just the one.

Q: Have you any other record in that bible? A: No sir.

Q: Have you the record of your marriage in the bible?

A: No sir not in the bible, we have a marriage certificate.

Questions by Commissioner:

Q: How long had you been married before you had this child, had you been married a whole year? A: No sir, not quite a year. We were married March the 20th, a year ago.

Q: Well how long was it 10 months, 11 months or what?

A: 11 months I suppose or a little over.

Q: Who buried this child, what is the name of the undertaker?

Q: There were several that buried it, I can't tell you the names of them.

Q: Didn't you have an undertaker? A: No sir.

Q: Didn't you buy a coffin? A: Yes sir.

Q: When did you buy it from? A: I don't know the man's name we bought it from.

Q: What town in you did you buy it from? A: Okemah.

Q: Is there an undertaking shop therein Okemah at which you bought it from? A: Yes sir.

Q: There is no more than one there is there?

A: I don't know whether there is more than one or not.

Q: Did you go to the grave-yard? A: Yes sir.

Q: What is the name of that graveyard? A: Springtown Grave yard.

Q: Is there any mark on the grave?

A: Yes sir, S. P. T. is on the board, my father cut the initials on the board.

- Q: Does it say the date of its birth or death?
A: No sir, that is all it says on the board.
Q: Do you know whether there is any record in the graveyard keeper's books? Is there a man there that makes any record of the burials there? A: No sir, I don't suppose they do, because it is an out of town graveyard.
Q: Did you pay for that coffin in cash or pay part of it, or did you get it on credit? A: Well I suppose we paid for it, I couldn't say. We paid for it though.
Q: Who bought it, your husband? A: Yes sir.
Q: Of course he bought it but he didn't go for it.
Q: How close to the end of the month did this child die? How many days to the end of February?
A: Do you mean when it was born?
Q: Yes, when it was born? How close to the end of the month?
A: Well it was born on the 27th. and the 28th. was the last day of February, it was one day, it was born in the morning.
Q: Did you have a Doctor for your sickness?
A: Yes sir, not quite a week after it was born, it was born on Tuesday and we had a Doctor on Saturday.
Q: What doctor did you have? A: Dr. Lovelady.
Q: Just the one? A: Yes sir, just the one Doctor.
Q: Dr. Lovelady lives at Bearden, don't he? A: Yes sir.
Q: Is he living there now? A: Yes sir, he lives at Bearden now ~~xxxx~~ unless he has moved away in the last 2 or 3 days.

Mrs. Malissa Gunn, being first duly sworn by Henry G. Hains a Notary Public, testified as follows:

- Q: What is your name? A: Malissa Gunn.
Q: How old are you? A: I am 66.
Q: What is the post-office address? A: Irene, Indian Territory.
Q: Do you know Virena and Simon Thompson? A: Yes sir.
Q: Any kin to them? A: No sir.
Q: Do you know their child Simpn Pearcey Thompson? A: Yes sir.
Q: Did you act as mid-wife? A: Yes sir.
Q: When was it born? A: It was the 27th. of April.
Q: Are you sure it was the 27th. of April? A: Yes sir.
Q: When did it die? A: About the 28th. of February.
Q: Do you mean to say it was born after it died?
A: I mean it was born in February the 27th. and lived until the 28th. of April.
Q: How do you know that? A: I left there the 26th. and it died the 28th.
Q: Do you mean to say it died the same month it was born?
A: No sir. It lived 2 months and one day.
Q: Are you sure it was born in February and died in April?
A: Yes sir, I was there.
Q: Were you there all the time from the time of its birth until the date of its death? A: No sir.
Q: But you waited on her when it was born and that was the month of February? A: Yes sir.
Q: And you were there when it died? A: I was there before it died on the 28th.

- Q: What makes you think it died on the 28th? A: I left there on the 26th. and it died on the 28th. I think.
- Q: How do you know it was the 28th? A: I can't tell you I know it died about that time.
- Q: Was the Doctor there when you were there? A: No sir.

Questions by John G. Lieber, acting for Attorney for Creek Nation:

- Q: Mrs. Gunn, did you sign an affidavit before a Notary Public? Regarding the birth of this child? A: Yes sir.
- Q: Do you know when that affidavit was signed? A: No sir, I don't recollect the date.
- Q: Were you present before the Notary Public when you did sign it? A: Yes sir in Okemah.
- Q: Was that child living or dead when that affidavit was made? A: It was dead.
- Q: How long had it been dead at that time? A: I couldn't tell you, I don't know anything about that, I never tried to keep a record or nothing.
- Q: Well can't you tell us about how long it was Mrs. Gunn after the child died when you made this affidavit? A: Well I couldn't swear to it, I never paid any attention, but I think it was about the 1st. of May, I won't say, but I think it was about the 1st. of May I was called upon.
- Q: You were present when the child was born? A: Yes sir.
- Q: What day was it born on Mrs. Gunn? A: The 27th.
- Q: What day of the week? A: It was Tuesday.
- Q: Born on Tuesday? A: Yes sir, she had taken sick on Sunday night.
- Q: Was there any Doctor there at the time the child was born? A: No sir.
- Q: Was there a doctor called in after the child was born? A: Yes sir.
- Q: How long after it was born? A: Several days, I don't know just the amount of days.
- Q: Who was the Doctor? A: Dr. Lovelady.
- Q: How do you happen to remember that this child was born on the 27th. day of February? A: Because I was there and that is the day it was born.
- Q: Did you act as midwife for quite a number of ladies out there in your neighborhood? A: Several, yes sir.
- Q: How many have you waited on this year, Mrs. Gunn? A: I only waited on one.
- Q: Just this one? A: I waited on her and then another one Mrs. Thomas.
- Q: When was Mrs. Thomas's child born? A: In May I reckon, I don't know, I never paid any attention to the like of that. I don't put myself up to be a Doctor, it just happened you know.
- Q: Isn't it a fact, Mrs. Gunn the reason that you remember that this child was born on the 27th. day of February is that these people have refreshed your memory and you altogether decided it was the 27th. of February? A: Yes, we talked about when it was born, there was another woman there.
- Q: You have talked about this recently too haven't you? A: Yes sir.
- Q: You don't mean to say that you can remember the different dates that children around in the neighborhood were born, do you?

- A: No sir, I don't just pay attention to it but I was there I know that.
- Q: You are positive that it was born on the 27th. day of February are you? A: Yes sir, I am satisfied it was the 27th. day.
- Q: You never made any record of it yourself? A: No sir.
- Q: How long did you stay with Mrs. Thompson after the child was born? A: From between 8 and 9 o'clock until 3 o'clock in the evening.
- Q: You didn't stay with her during her sickness did you?
- A: No sir.
- Q: You don't know when she got up out of bed?
- A: No sir, she was in bed quite a while, she didn't get along very well.

Clara Thompson, being first duly sworn by Henry G. Hains, Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Clara Thompson.
- Q: How old are you? A: 22.
- Q: What is your post-office address? A: Irene.
- Q: Are you any kin to Simon or Veroni Thompson?
- A: I am a sister-in-law of Simon.
- Q: You married his brother? A: Yes sir.
- Q: Were you present when Simon Pearcey Thompson was born?
- A: I was.
- Q: When was he born? A: He was born the 27th. day of February.
- Q: Are you sure of that? A: Yes sir.
- Q: Are you sure he wasn't born in March? A: Yes sir, I am sure he wasn't born in March.

Questions by J. G. Lieber, acting attorney for Creek Nation.

- Q: How do you happen to remember that it was the 27th. day of February that the child was born? A: How does a person remember anything, just my knowledge of it I suppose.
- Q: Did you talk about the date when the child was born, that it was born on a certain date? A: Yes sir.
- Q: What day of the week was it born on? A: Tuesday.
- Q: Do you know when he died? A: He died the 27th. of April.
- Q: Then it was 2 months old when it died? A: Yes sir.
- Q: Did you stay with your sister during her sickness?
- A: I did not only the night after the child was born.
- Q: There was no Doctor there when the child was born?
- A: No sir.

This is all the evidence given in said cause on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before
me this 25 day of September, 1906.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Simon Percy Thompson as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on May 14, 1906, application was made, in affidavit form, for the enrollment of Simon Percy Thompson, as a citizen by blood of the Creek Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137). Further proceedings were had in this matter on June 22, and September 11, 1906. A duly certified copy of a marriage license issued to Simon Percy Thompson, Jr. and Miss Virona Vaddoe, is attached to and made a part of the record herein.

It appears from the evidence and the records in the possession of this office, that the applicant herein is the minor child of Simon Thompson, a non citizen and Virona Thompson, a citizen by blood of the Creek Nation, whose name appears on a partial schedule of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, March 28, 1902, opposite number 5737.

It further appears from the evidence that the said Simon Percy Thompson was born on February 27, 1906, and that he died on April 27, 1906.

It is, therefore, ordered and adjudged that the applicant Simon Percy Thompson, is entitled to be enrolled as a citizen by blood of the Creek Nation under the provisions of the aforesaid Act of Congress, and the application for his enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory.

JAN 22 1907

129 *8537*

IN RE

257

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

...*Simon Pearcy Thompson*.....

as a citizen of

.....*Creek*..... Nation.

Approved..... 190...

.....
Commissioner.
.....

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE LAND OFFICE
WASHINGTON

May 14 - 1906

L. W. DORN
ACT OF CONGRESS APPROVED APRIL 26, 1906.

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1904.

IN HIS APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Simon Percy Thompson, born on the 27 day of February, 1906.
(Here insert name of child)
Name of Father: Simon Thompson Head-Medicine of the Creek Nation.
Name of Mother: Virena Thompson (Nea Badde) a citizen of the Creek Nation.
Tribal enrollment of father: Not enrolled. Tribal enrollment of mother: Creek Nation.
Postoffice: Irene, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Western District. }

I, Virena Thompson, on oath state that I am eighteen years of age and a citizen by blood of the Creek Nation; that I am the lawful wife of Simon Thompson, who is a citizen, by not blood or adoption, of the Creek Nation; that a female child was (Male or Female) born to me on 27 day of February, 1906, at Irene; that said child has been named Simon Percy Thompson, and was living March 4, 1906.

Virena Thompson

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 11 day of May, 1906.

Grady Huddleston
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Western District. }

I, Malissa Gunn, mid-wife, on oath state that I attended on Virena Thompson, wife of Simon Thompson, on the 27 day of February, 1906; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Simon Percy Thompson.

Malissa Gunn

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 11 day of May, 1906.

Grady Huddleston
Notary Public.

Territory of Oklahoma, Pottawatomie County, S. S.

OFFICE OF THE PROBATE JUDGE.

License is hereby granted to any person authorized to solemnize marriage according to the laws of said Territory, to join in marriage
 Mr. *A. J. Thompson Jr.* of *Oklahoma* County, and
 Miss *Vivian Taylor* of *Oklahoma* County, whose ages, residences, etc., are as follows:

NAMES OF PARTIES.	AGE	COLOR	PLACE OF BIRTH	RESIDENCE	FATHER'S NAME.	MOTHER'S MAIDEN NAME.
<i>A. J. Thompson Jr.</i>	<i>24</i>	<i>W</i>	<i>Tex -</i>	<i>Oklahoma</i>	<i>A. J. Thompson</i>	<i>May, Dana</i>
<i>Vivian Taylor</i>	<i>18</i>	<i>"</i>	<i>Ind Tex -</i>	<i>" "</i>	<i>Taylor</i>	<i>Unknown</i>

And the person joining them in marriage is required to make due return of the annexed certificate to the Probate Judge of said County within thirty days, of the names of the parties, time and place of marriage, and by whom solemnized.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in said County, this *20th* day of *March*, 190*5*. Probate Judge.

W. N. Mabey
 Minister of Gospel
Reformed Church
 (NAME OF CHURCH, JUSTICE, TOWNSHIP, COUNTY OR CONGREGATION)

certify that on the *20* day of *March*, 190*5*, at *Baptist Parsonage* in *Reynolds* County, Oklahoma Territory, according to the law and by authority, I duly joined in marriage Mr. *A. J. Thompson Jr.* and Miss *Vivian Taylor* and there were present as witnesses *W. B. Rucker* of *Reynolds* and *Mr. H. A. Binna* of *Oklahoma*.

Witnesses: *W. B. Rucker* Parties: *A. J. Thompson Jr.* Given under my hand this *20* day of *March*, 190*5*.
H. A. Binna *Vivian Taylor* *Reformed Church*

Territory of Oklahoma, Pottawatomie County, S. S.

I, W. N. Mabey, Judge of the Probate Court of Pottawatomie County, Oklahoma Territory, do hereby certify that the foregoing is the marriage license and the return thereof issued to *A. J. Thompson Jr. & Vivian Taylor* as the same now appears of record in my office in marriage record No. *8* Page *109*.
 Witness my hand and the official seal of said Court this *27* day of *July*, 190*6*.
W. N. Mabey Probate Judge.

Muskogee, Indian Territory, September 6, 1906

Yirena Thompson,

Irene, Indian Territory.

Dear Madam:

Receipt is acknowledged of your letter of August 24, 1906, inclosing proof of your marriage, to be filed in the matter of the application for the enrollment of your minor child Simon Pearey Thompson; you ask if any further proof is necessary in said matter; you are advised that you should appear at this office at as early a date as practicable with at least two witnesses who know the exact date of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Acting Commissioner.

M 2 0 125

Muskogee, Indian Territory, March 7, 1907.

Viroma Thompson,

Simon Thompson,

Muskogee, Indian Territory.

Dear Madam :--

You are hereby advised that on February 28, 1907, the Secretary of the Interior approved the enrollment of your deceased minor child, Simon Pearcy Thompson, as a citizen by blood of the Creek Nation, and that the name of said child appears upon the roll of new born citizens by blood of the Creek Nation, enrolled under the Act of Congress approved April 26, 1906, as number 426.

This child is now entitled to allotment and application therefor should be made without delay, by the duly appointed administrator, at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1076

CR EN 1076

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE NINE CIVILIZED TRIBES.
Okmulgee, I. T., June 4, 1906.

In the matter of the application for the enrollment of Charlie Kernell as a citizen by blood of the Creek Nation.

MATTIE KERNELL, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Mattie Kernell.
Q How old are you? A Forty.
Q Are you a citizen of the Creek Nation? A No, sir, I am a United States citizen.
Q Have you a child you desire to make application for? A Yes, sir.
Q Is the child living? A Yes, sir.
Q What is the name of the child? A Charlie Kernell.
Q When was he born? A The 4th day of March, 1904.
Q Did you make application for this child last year? A No, sir.
Q Why didn't you? A Because I was in Texas and didn't know they were enrolling the children then.
Q Who is the father of this child? A Dixon Kernell.
Q Is he a citizen of the Creek Nation? A Yes, sir.
Q To what Creek town does he belong? A I don't know.
Q Is he your lawful husband? A Yes, sir.
Q Are you living together now? A No, sir, I was divorced from him last May.
Q Have you a marriage license? A Yes, sir.

Witness presents a certified copy of license and certificate of marriage between herself and Dixon Kernell.

- Q How long had you been separated from Dixon Kernell at the time you secured the decree of divorce? A We separated last February.
Q What was the reason of your separation? A He drinks so much. I had separated from him before and he would come to me and get me to come back.
Q How long had you been living together continuously prior to your last separation? A I couldn't say.
Q How many times were you separated from him during your marriage? A Four.
Q For how long at a time? A We stayed away as long as six months -----he I never was away from him six months since we have been married.
Q Did you live together in the same house? A Yes, sir.
Q Does he acknowledge that child? A I know he tries to deny him but he can't.
Q What reason does he assign? A Why, just simply because I will not live with him. Oh, he pets the child and claims him while I am with him.
Q Does he contribute to the support of the child? A Why, not much. I never ask him for anything. He always gives him money when he is around.
Q Did the court give you the custody of the child? A I never asked for it. I guess I ought to. I could have got it.
Q Have you married again? A No, sir.
Q Has he never acknowledged the child? A Why, we never talked about that when we were together. I don't know what he says to other people.
Q The last time you separated from him was last February? A Yes, sir.
Q When was the first time you separated from him? A I couldn't tell you. I never paid no attention to it. I had lived with him

about a year before I went away from him the first time.

Q How long did you remain separated before you went back together?

A Not more than eight months.

Q Then how long did you live together? A A year or more. And then we were separated about two weeks and I lived with him about a year and then I went to Texas.

Q How long did you stay away from him that time? A I don't know. I couldn't say or swear positively how long I was away from him or how long I lived with him either time.

Q Have you any other children by Dixon Kernell? A I have two dead.

Q When were they born? A I couldn't tell you. They were both born dead.

Q Both were premature births? A Yes, sir.

Q Do you know on what dates you had these miscarriages? A Well, one was after this baby was born and the other was before.

Witness is advised that this office requires the testimony of the father of the child in this case.

STATEMENT BY WITNESS:

He may be stubborn and may not come.

---ooo000ooo---

I, B. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

B. C. Skaggs

Subscribed and sworn to before me this 4th day of June, 1906.

Notary public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
SEPTEMBER 19, 1906.

In the matter of the application for the enrollment of
Charlie Kernell, as a citizen by blood of the Creek Nation.

Dixon Kernell, being duly sworn, by H.G.Hains, a Notary
Public, testified as follows:

J.G.Lieber, representing M.L.Mett, Attorney for Creek Nation.

Q By Commissioner.
Q What is your name? A Dixon Kernell.
Q What is your post office address? A Holdenville.
Q What is your age? A About 38.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q What is the name of your father? A Joe Kernell.
Q What is the name of your mother? A She was Jane Berryhill, but
now Jane Harje.

Witness is identified as Dixon Kernell, opposite Creek Indian
Roll number 5995.

Q Where was your post office before Holdenville? A Keokuk Falls,
Oklahoma Territory.
Q Have you ever had any children? A Yes sir.
Q What is the name of the oldest? A Ida.
Q What is the name of her mother? A Lucy.
Q What is the name of your next child? A I had one but its dead.
Q What was his name? A Simon.
Q By Lucy was it? A Yes sir.
Q Haven't you any other children? A No sir.
Q Were you married to this Lucy? A Yes sir, by the Creek laws.
Q Is she dead? A Yes sir, long time ago.
Q Did you marry somebody after her death? A Yes sir, I married a
white woman.
Q What is her name? A Panny Moneypenny.
Q Did you ever marry anybody again after that? A Yes sir.
I married Mattie Baum.
Q Did you ever have any children by her? A No sir.
Q Do you remember when you were married to her? A No sir, I guess
about two years ago.
Q We have here filed an affidavit, filed by Mattie Baum in which
she states you were married to her in July, 1900, is that right?
A Yes sir.
Q How long did you live with her? A Three years somewhere along
there.
Q Then you separated from her? A Yes sir. I am divorced from her.
I sued for a divorce at the last term of court at Wewaka.
Q Did you get it or did she? A I sued for it and got it.
Q When did you live with her the last time? When did you leave
her the first time? A I never left her she left me.
Q When was the last time you lived with her? A I think it was
somewhere in 1903 up to the first of March, if I aint mistaken, I
don't know just exactly when it was but its three years ago.
Q And you never lived with her after that? A No sir.
Q You deny ever having any children by her? A Yes sir I deny it.
Q She is a white woman? A Yes sir.
Q Not a citizen of any Nation? A No sir.

By Mr. Lieber.

Q What was your grounds for divorce Colonel? A What grounds I was suing for divorce--Well after she left^{me}, she got to running around and she had a kid that wasn't mine.

Q You charged her adultery? A Well, I didn't want a wife that was running on with some other men, so I sued for a divorce and got it.

Q When did you say she left you? A In March 1903, it was in cold weather when she left me.

Q Did she go away from you? A Yes sir. Yes sir, she got a white man to move her off--her brother was staying with me on a visit and stayed three weeks, and when he was fixing to go she wanted to go with, and I told her she could go if she wanted to, so she got a white man to move her off.

Q Where did she go to? A Wewoka.

Q How long was it after she left there before you saw her again?

A Nearly two years I never saw her until after she had the kid.

Q Never saw her at all until then? A Now sir and the ~~fixer~~ kid was about five months old when I seen her.

Q Have you ever heard who the father of that child was? A I have heard what she said. A letter was written to her son and in the son's letter there was a letter written to Stanton Brown--the letter was addressed to her son, John Bonham, and on the inside was a letter to Stanton Brown, he opened this letter and I saw this: "She said Mr. Brown you have fooled me--you got me in the shape of what I is now and won't come to see me any more." I can't remember all of it. It was a long letter--it was in the way that Brown had fooled her and got her in that shape that she was, and afterwards I heard people talking about Stanton Brown being the father.

Q It is claimed Stanton Brown is the father? A Yes sir.

Q Is Stanton Brown a citizen of the Creek Nation? A No sir, he is a Seminole.

Q Has no Creek blood at all? A Not that I know of.

Q Have you ever said anything to Stanton about him being the father of this child? A No sir haven't mentioned it to him at all.

Q Did you ever hear Stanton Brown say anything about it to anybody? A No sir.

Q Then you don't know whether he recognize the child as his or not? A No sir.

Q You are positive this child Charley Kernell is not your child?

A Yes sir I am positive that it isn't my child.

Q In other words it was born more than a year or about a year after she left you? A Yes sir.

Q How close do you live to Stanton Brown? A About a mile and a half east of Stanton Brown.

Q Did you live ~~in~~ close to him when this woman was living with you? A Yes sir.

Q Was she and Stanton friendly? A Yes sir, we were all friendly neighbors.

Q Did she visit over there sometime? A Yes sir.

Q You too? A Yes sir, we were all good neighbors, had no falling out at all.

Q Stanton Brown is a married man isn't he? A Yes sir.

Q Mr. Kernell, do you how much Indian blood Stanton Brown has?

A No sir, I don't know.

Q He is not a full blood? A No sir, he is a brother to Govenor Brown.

Q The mother of this child Charley is a citizen of the United States?

A Yes sir, white woman.

Q Have you ever seen that child? A Yes sir, a good many times.

Q What is its complexion, is it light complected? A Yes sir, is it light complected.

Q What kind of hair? A Light.

Q Does it look more like a white child than an Indian child?

A Yes sir.

By the Commissioner.

Q Did you ever give any money to this child, Charley? A No sir.

Q Did you ever give any money to the mother for its support?

A No sir.

Q If she stated that you gave her money she is stating something not true? A Yes sir.

Q Did you ever have any children by her that are dead? A No sir.

Q If she stated that you had children by her that are dead, she is stating something that is not true? A Yes sir. I never had any children by her.

By Mr. Lieber.

Q Did Stanton Brown ever get hold of the letter she sent to her son? A I guess so. I don't know whether he did or not.

Q You say that you saw that letter? A Yes sir, she sent it to her son, she didn't want Mrs. Brown to get a hold of it, and Stanton Brown's letter was on the inside of it.

Q What is the name of that son? A John Bonham, he is dead now.

Q And he opened that letter--and he brought that letter to you and showed it to you? A Yes sir, I read it.

Q And he didn't approved of his mother leaving you? A He didn't like it at all, he didn't like the way she was doing.

Statement:

I know another way of proving that: A fellow named Wellingham drove her out to my place one day and she made me offers to come in and have that child enrolled, and I said no, that is not right; that is not my child and I won't do it. She offered if I would file for that child that I could keep that land and use it until the child was of age; and get the benefit of the land until the child was of age, and I told her I wouldn't do that, she said if I didn't do that she would get a lawyer to fix it up.

Q What is Wellingham's post office? A Heldenville.

Q Do you reckon he would remember that? A I don't know, he ought to he told me to go ahead and do what she wanted me to do, that it would be for my own good, he spoke for her and tried to get me to do this.

Q When was that you had that conversation in the presence of Mr. Wellingham ~~anywhere~~? A It was this summer, I don't know what month it was nor, but I think it was in June, no it was in July, it was after the 4th of July.

Q At your house? A Yes sir, at my place

Q And in that conversation she tried to get you to claim the child?

A Yes sir, and I said that I had given her up; that I had sued for a divorce and got, and I couldn't swear that that child was ~~my~~ mine, and if I did swear that it was mine that I might go to the pen for false swearing, and she said she would stand by me.

Q Colonel you wrote a letter in here to the Commission about your not being the father of this child? A Yes sir.

Q Is that the letter (showing witness letter)? A Yes sir, that is my hand writing.

Q What caused you to send this letter to the Commission? A The reason I did that I didn't want to be the father of a child that wasn't mine, and I thought she might work some kind of scheme to get it enrolled or something, that was the reason I wrote. I wrote that same day after she was out there.

Q Had she been to you and asked you to be the father of the child?
A Yes sir; that very same day after she left I wrote that letter.

Letter filed in the case and marked "Exhibit A" and is made part of the record.

Q Then it was sometime after you had had conversation with her she came there with Wellingham? A Yes sir.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merrick

Subscribed and sworn to before me this 24th day of September, 1906.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Charley Kernell as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on June 4, 1906, application was made, in affidavit form, for the enrollment of Charley Kernell as a citizen by blood of the Creek Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137). Testimony was taken in this matter on said date, and on September 19, 1906, further proceedings were had. A certified copy of a marriage license issued to Dixon Kernell and Mrs. Mattie Bonham, and a letter under date of February 19, 1906, addressed to this office and signed by Dixon Kernell, are attached to and made a part of the record herein.

The evidence shows that the said Charley Kernell is the illegitimate child of Mattie Kernell, a non-citizen, and a father whose identity is not established.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Charley Kernell as a citizen by blood of the Creek Nation and the application for his enrollment as such, is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

JAN 31 1907

CERTIFICATE OF TRUE COPY.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
WESTERN DISTRICT. }

I, R. P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached is a full, true, and correct copy of a Marriage License Book J Page 244 as the same appears on the records in my office.

WITNESS my hand and seal of said Court at Muskogee, Indian Territory,

this 31 day of May, A. D. 1906

John Harlan
Deputy Clerk.

R. P. Harrison
Clerk.

in Book _____, Marriage Record, Page _____

Witness my hand and seal of said Court at Muskogee, in said Territory, this _____ day of _____, A. D. 190_____

Clerk.

By _____ Deputy.

MARRIAGE LICENSE

UNITED STATES OF AMERICA

Written Indian Territory
Western District

ss.

No. 1529

To Any Person Authorized by Law to Solemnize Marriage Greeting:

You are Hereby Commanded to Solemnize the Rite and Publish the Banns of Matrimony between Mr. *Dixon Kurnell* of *Kes Kuch Tullen*, in the Indian Territory, aged *32* years, and Mrs. *Mattie Bonham* of *Kes Kuch Tullen*, in the Indian Territory, aged *30* years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal ~~at Muskogee, Indian Territory,~~ this

9 day of *July*, A. D. 1900

C. A. Davidson

Clerk of the U. S. Court.

By *Samuel E. Flanigan* Deputy.

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA

Written Indian Territory
Western District

ss.

I, *William J. Finley*, a Minister of the Gospel, DO HEREBY CERTIFY, that on the *11* day of *July*, A. D. 1900, did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this *11* day of *July*, A. D. 1900

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, *Written* District, Book _____, Page _____

William J. Finley

A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Western District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars (\$100.00).

Filed for record this 2 day of Sept. 1900. C. A. Davidson
Book 8, Page 26

REFER IN REPLY TO THE FOLLOWING:

Cr. No. 1076.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 2, 1907.

Mattie Kernell,

Wewoka, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Charley Kernell, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,



Register.
LM-32.

Commissioner.

Cr.No. 1076.

Muskogee, Indian Territory, February 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted a copy of the proceedings had in the matter of the application for the enrollment of Charley Kernell, as a citizen by blood of the Creek Nation, including the decision of the Commissioner denying said application.

Respectfully,

Commissioner.

LM-65.

Through the Commissioner
of Indian Affairs.

Cr.No. 1078.

Muskogee, Indian Territory, February 2, 1907.

M. L. Matt,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Charley Kernell, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

LM- 765.

Commissioner.

Refer in reply to the following
Land 11817-1907

Copy

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

WASHINGTON, March 1,
1907

The Honorable,

The Secretary of the Interior

Sir:

There is enclosed a report from Commissioner Bixby, dated February 2, 1907, transmitting the record relative to the application for enrollment of Charley Kernell as a citizen by blood of the Creek Nation. On January 31, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The decision of the Commissioner has been examined and found to be correct and its approval is recommended.

Very respectfully,

C F Larrabee

Acting Commissioner

JPB NL

DEPARTMENT OF THE INTERIOR
WASHINGTON.

JP
RJK

I.T.D. 8940, 6130, 7256, 7332, 7332, -1907
7298, 7310, 7334, 7334, 7342, 7344,
7398, 7398, 7400, 7402, 7406, 7416,
7430, 7432, 7434, 7438, 7452, 7460,
7462, 7466, 7492, 7508, 7508, 7518,
7570, 7702, 7704, 7712, 7720, 7726-1907.

March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed,. Copies of Indian
Office letters submitting your reports and recommending that the
decisions be affirmed are inclosed.

Title of Case.

Date of your letter
of Transmittal.

Annie Davis, et al., (freedman),	February 5, 1907
Martha Monika Davidson,	February 9, 1907
William Perryman,	February 12, 1907
Isacal Nisco,	February 14, 1907
Kissie (deceased)	February 15, 1907
Mary Perryman, (deceased)	February 16, 1907
James Larnay (deceased)	February 16, 1907
Ganetta and Idahell Bantle, (freedmen)	February 20, 1907
Snake,	February 20, 1907
James F. pondleton, (deceased)	February 20, 1907
Lilly Valentine, et al., (freedmen),	February 21, 1907
Frank Jackson, (deceased freedman)	February 23, 1907
Rose Blanton, (freedman),	February 19, 1907
Lola Love, (freedman)	February 20, 1907
Dora Lee and Maryann S. Castle, freedmen,	February 14, 1907
James Deere, et al.,	February 19, 1907
Charley Kernell,	February 2, 1907
Millard Smith, (freedman)	February 2, 1907
Lilla Jefferson (freedman)	February 12, 1907
Bertha Anderson, (freedman)	February 14, 1907
Katie Smith deceased (freedman)	February 14, 1907
Lacy Grayson, deceased,	February 2, 1907
Bullison Haynie,	February 23, 1907
Leah Thompson, deceased,	February 23, 1907
Nellie Graham, (freedman)	February 23, 1907
Kiloches (or Nellie Red)	February 20, 1907
William Bennett, (freedman)	February 23, 1907
George W. Bird, deceased,	February 19, 1907
Joseph H. Wheeler Conchuck, deceased,	February 2, 1907
Charles Salem Dymond,	February 20, 1907
William and Liza Parker,	February 23, 1907
Richard Hawkins, freedman,	February 23, 1907
Wiley, Joseph, deceased, freedman,	February 23, 1907
William James, deceased, freedman,	February 23, 1907

have been sent to the Indian Office. Respectfully, J.A.M.

No. 1076
MBC 280

CM

Muskogee, Indian Territory, March 13, 1907.

Dixon Kernell,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Charley Kernell as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

67E 1076

W.R.

1/16/07

W.R.

I believe the conclusions
reached in decision correct,
but think it rather hard on
Stanton Brown to find him to be
the father of this child inasmuch
as he has had no opportunity to dis-
claim the paternity of this child. I
am of the opinion this finding should
be omitted from decision.

1/21/07.

W.R.

CR EN 1077

CR EN 1077

B.A. 8485.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Wetumka, I. T., April 21, 1906.

In the matter of the application for the enrollment of Billy and Andrew Island, deceased, as Creek Freedmen.

JONES WILLIAMS, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Jones Williams.
- Q How old are you? A Twenty-nine.
- Q What is your post office address? A Mantee.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q ~~Wetumka~~ To what town do you belong? A North Fork.
- Q Are you acquainted with Harry Island and his wife, Annie? A Yes, sir.
- Q Are they living? A Annie is dead.
- Q Where is Harry Island? A He is in the penitentiary.
- Q Did you know their children, Billy and Andrew Island? A Yes, sir.
- Q Were they twins? A Yes, sir.
- Q Do you know when they were born? A I don't just exactly remember when they were born. I know the children. When they was born we went up to see them and after that we heard that one was died, I think Billy. You see we lived about twenty miles from them and after Billy died a while the other one died.
- Q Do you know how long Billy lived? A I think he was seven or eight days old when ~~he~~ I went up there and just how old he was when he died I don't know. It was probably two or three weeks before he died.
- Q The children were about eight days old when you visited the parents? A Yes, sir.
- Q How long did you stay? A We stayed all night and came back the next day.
- Q How long after you got back home before you heard one of them was dead? A Two or three weeks.
- Q How long before you heard that the other one died? A It was may be a month and may be longer.
- Q Did the last one to die, Andrew, live over a month? A I think probably he might have. I never heard he was dead for a good long while after it., but then he might have been dead quite a while.
- Q You are positive that Billy Island didn't live over three weeks? A He may have lived longer than that. I am pretty sure he lived three weeks but I don't know just exactly how long he lived.
- Q Did you ever execute an affidavit about the death of these children? A Yes, sir, over at Wewaka.
- Q There is on file in the office of the Commissioner an affidavit executed by you and Annie Island stating that Billy Island died July 15, 1900, and an affidavit executed by Annie Island and Maria Bowlegs stating that Billy Island was born May 20, 1900. According to these affidavits the child lived longer than you state? A Well it has been so long I don't remember. I know it was shortly after when those affidavits were made. I don't know just how long the child lived but I know it lived while a little while. They lived a good way from me.
- Q According to the testimony you are now giving, the child was something like three weeks old when it died? A As near as I can get at it. It may have lived longer.
- Q According to your best recollection and belief how long did Billy Island live? A I wouldn't say positively but it was some where about two or three weeks to a month before the first one died.

Q You don't believe it lived as much as two months? A Well, it may have lived two months. They lived a good ways from us and I didn't pay much attention.

Q It was about two ~~mm~~ weeks after you visited the parents before you heard the child was dead? A Yes, sir, I heard the child had died--I didn't see any of them, I just heard it. I never paid much attention to it.

Q Do you know in what month you visited Harry Island and his wife? A No, sir.

Q Did that child die in the same month in which you visited them? A I couldn't say.

Q How did you fix the date of his death when you and Annie Island executed the affidavit? A Why, those people, I think, had the children's ages down and after it died they told me what date it died on but of course that has slipped my memory. Maria Bowlegs was the one who told me. I could go to the head-board of the grave and tell just exactly when the child died.

Q You swore to the date Maria Bowlegs gave? A I was up to the place and they was telling me what time the child died and of course I went by my memory and what they told me.

Q According to your best recollection and belief how long did Andrew live after Billy died? A It was sometime after but I don't know just how long.

Q Can't you state about how long? A It was some where along about)))))))) I just don't remember but I know it was something over a month or so.

Q We have another affidavit executed by you and Annie Island stating that Andrew died August 1, 1900. Did you know of your own personal knowledge, at the time you executed this affidavit, that this was the correct date of the child's death? A I was pretty positive of what I was doing.

Q You don't know how old Andrew was when he died? A No, sir, not positive. They have got the age down.

Q Who has the record of the births and deaths of these children? A Harry's mother, Raster Island, I guess. Either her or Maria Bowlegs and my mother may have it.

Q Where does Raster Island live? A Near Wewaka, in the Seminole Nation.

---00000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 20 day of April 1906.

Wm. B. [Signature]
Notary public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
WEWOKA, I. T., SEPTEMBER 6, 1906.

In the matter of the application for the enrollment
of Billy and Andrew Island, both deceased, as Creek Freedmen.

EASTER ISLAND, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Easter Island.
- Q How old are you? A I don't know my age.
- Q Do you recollect the Civil War? A Yes sir, I recollects
the first war. (Witness appears to be about 50 years old).
- Q What is your postoffice address? A Wewoka.
- Q Are you a citizen of the Creek Nation? A No sir, I am a
Seminole.
- Q Do you know Harry Island and his wife, Annie? A Yes sir, he
is my son.
- Q Are they living? A I guess he is living wherever he is,
but Annie died.
- Q Where is Harry at this time? A I guess he is at work.
- Q What do you mean, in the penitentiary? A Yes sir.
- Q Do you say Annie Island is now dead? A Yes sir.
- Q Did you know two children of theirs named Billy and Andrew
Island? A Yes sir.
- Q Are they living? A No sir.
- Q Were the children twins? A Yes sir.
- Q Which was the oldest? A I don't know, my mother was with her.
- Q Which died first? Billy or Andrew? A The smallest one died
first.
- Q How long did the two children live? A They lived about two
weeks.
- Q Did they die close together? A I guess not, they lived about
two days apart.
- Q You are positive they ^{didn't} lived over two weeks? A I don't think--
I don't know, it has been so long I forget, I wasn't there.
- Q Can you swear positively that they didn't live three weeks?
- A I am positive they did not live a month.
- Q Were you present at the funeral of either child? A Yes sir,
I was there.
- Q Do you remember in what month it was? A No sir, I don't
recollect.
- Q Spring or Summer time? A In the Summer time, I think.
- Q How long ago has it been? A Oh! Lord, I couldn't tell.
- Q Has it been as much as six years? A I believe so.
- Q What were you doing at the time the two children were born?
- Q We had done planted corn and it was up, I remember when I went
to the funeral everything was green.

- Q That is all you know about it? A Yes sir.
Q These two children were your grandchildren, were they? A Yes sir.
Q Have you any record showing when they were born and when they died? A No sir.
Q Do you know whether or not any record was made? A Yes sir, I guess there was but I don't know what the mammy of the children did with it.
Q According to your best recollection and belief the two children lived about two weeks after they were born? A Yes sir.
Q Jones Williams testified in this case and stated that you and Mariah Bowlegs had a record of the birth and death of these two children? A My mother has it where she is ever yonder ~~two~~ about 12 miles.
Q Near what postoffice? A Tidmore.
Q What is her name? A Mariah Bowlegs.
Q She may have the record? A Yes sir, she may have it.
Q Whicy way from Tidmore does she live? A North.
Q How far, I don't know how far it is from Tidmore.

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes thereof.

James B. Myers

Subscribed and sworn to before me this 27 day of September, 1906.

JBM

Wm. P. Ray
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
TIDMORE, I. T., SEPTEMBER 10, 1906.

In the matter of the application for the enrollment of
Billy Island and Andrew Island, both deceased, as Creek Freedmen:

MARIA BOWLEGS being duly sworn testified as follows:
Partly through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Maria Bowlegs.
- Q How old are you? A My mother before me did not know her age, let alone me.
- Q Do you remember the Civil War? A Yes sir.
- Q How old were you then? A I was the mother of seven children then.
- Q What is your postoffice address? A Wewoka.
- Q Are you a citizen of the Creek Nation? A Seminole.
- Q Are you acquainted with Annie Island and Harry Island?
- A Yes sir, Harry is my grandson.
- Q Are they both living? A Annie died.
- Q Where is Harry? A He is somewhere to the pen.
- Q Is he in the penitentiary? A I don't know where he is, he has gone over.
- Q Did you know his children, Billy and Andrew Island?
- A I reckon I knowed 'em when I waited on them children.
- Q You were there when they were born? A I waited on their mother.
- Q These two children are dead, are they? A Yes sir, they are dead.
- Q How long did they live after they were born? A I don't know now, I can't keep memory, I can't tell how long they was living.
- Q Which died first Billy or Andrew? A Billy.
- Q How long did Billy live after they were born? A Both died the same day.
- Q On the same day that they were born? A I think so, yes sir.
- Q Neither of the children lived so much as a week, did they?
- A No sir, they didn't.
- Q Do you remember in what month these two children were born?
- A No sir.
- Q In what season of the year was it, Winter, Spring or Summer?
- A Summer, warm and everything was eatable.
- Q How long has it been? A I don't know, I don't know how long, I don't know one year from the other, I just know I am living, if I don't die tonight I live tomorrow, I don't know one month from the other.

- Q We have affidavits executed by Annie Island and Jones Williams in which it is stated that Billy and Andrew Island were born on the 20th of May, 1900, and that Billy Island died July 15, 1900, and that Andrew Island died August 1, 1900; according to that Billy Island was about a month old when he died and Harry something like two months old. Is that correct or not?
- A Well I don't know, I couldn't 'member, I don't know; the children only lived a few days, I been with the woman when they got them two twins.
- Q Are you positive that these two children only lived a few days?
- A They lived when they come into the world and they lived up in the day and both died the same day, the first one, Billy, died first, up toward the middle of the day and the other soon after during the same day.
- Q You are positive of that? I deliver the children, wash them, and one live till up in the day and the other died in the afternoon.
- Q They were born and died the same day? A Yes sir.
- Q Have you any record showing when these two children were born and died? A No sir, the children were born right in my house.

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes thereof.

James B. Myers

Subscribed and sworn to before
me this 1 day of October, 1906.

Notary Public.

JBM

B.A. 84-88
D.A. 48-49

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment of
Billy Island and Andrew Island, both deceased, as Creek freedmen.

DECISION

The record in this case shows that on August 30, 1901, there were filed with the Commission to the Five Civilized Tribes applications, in the form of affidavits, for the enrollment of Billy Island and Andrew Island, both deceased, as Creek freedmen, and that on the same date there were also filed with said Commission affidavits in the matter of the death of said applicants. Further proceedings were had April 21, September 6 and September 10, 1906.

The evidence shows that said Billy Island and Andrew Island were twin children, and that they were born on May 20, 1900.

The evidence as to the dates of death of said applicants is contradictory, but the weight of evidence shows that said applicants did not live more than a month after their birth.

It is therefore ordered and adjudged that there is no authority of law for the enrollment of said Billy Island and Andrew Island, both deceased, as Creek freedmen and the applications for their enrollment as such are accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

OCT 15 1906

IN RE
THE DEATH OF

a citizen of the

Nation.

Approved 190

Commissioner.

Filed
Aug 30, 1901

This is to certify that I am the officer having custody of the records pertaining to the enrollment of the members of the Creek tribe of Indians, and that the above and foregoing is a true and correct copy of death affidavit in the matter of the death of Billy Island.

Muskogee, Indian Territory,
October 16, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Billy Island
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Wetumka, Ind. Ter., and died on the 15 day of
July, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Annie Island, on oath state that I am 28
years of age and a citizen, by adoption, of the Creek Nation;
that my postoffice address is Wetumka, Ind. Ter.; that I am
the mother of Billy Island
(State relationship: as the father; an uncle; a cousin, etc., (Here insert name of deceased.)
who was a citizen, by adoption, of the Creek Nation
and that said Billy Island died on the 15 day of
July, 1900.

WITNESSES TO MARK:

Annie Island X Her Mark

(Must Be Two Witnesses.) { J.C. Johnson
Cornelia Williams

Subscribed and sworn to before me this 29 day of August, 1901.

SEAL

J.C. Johnson

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Jones Williams, on oath state that I am 24
years of age, and a citizen by adoption of the Creek Nation;
that my postoffice address is Bearden, Ind. Ter.;
that I was personally acquainted with Billy Island
who was a citizen, by adoption, of the Creek Nation;
and that said Billy Island died on the 15 day of
July, 1900.

WITNESSES TO MARK:

Jones Williams

(Must Be Two Witnesses.) {

Subscribed and sworn to before me this 29 day of August, 1901.

J.C. Johnson

Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

as a citizen of

Nation

Approved

190

Commissioner

Filed
Aug 30 1901

This is to certify that I am the officer having custody of the records pertaining to the enrollment of the members of the Creek tribe of Indians, and that the within is a true and correct copy of birth affidavit in the matter of the birth of Andrew Island.

Muskogee, Indian Territory,
October 16, 1906.

Copy

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE APPLICATION FOR CITIZENSHIP, as a citizen of the Creek Nation,
of Andrew Island, born on the 20 day of May, 1 900
(Give exact name of child.)
Name of Father: Harry Island a citizen of the Seminole Nation.
Name of Mother: Annie Island a citizen of the Creek Nation.
Postoffice We tumka

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Annie Island, on oath state that I am 28
years of age and a citizen by adoption, of the Creek Nation;
that I am the lawful wife of Harry Island, who is a citizen, by
adoption, of the Seminole Nation; that a male child was
(Male or Female.)
born to me on 20 day of May, 1 90; that said child has been named
Andrew Island, and is now ~~living~~ dead.

WITNESSES TO MARK:

(Must be Two
Witnesses.) { J.C. Johnson
Cornelia Williams

Subscribed and sworn to before me this 29 day of August, 190 1.

SEAL

J.C. Johnson Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Maria Bowlegs, a mid-wife, on oath state that I
attended on Mrs. Annie Island, wife of Harry Island
on the 20 day of May, 1 900 that there was born to her on said date a male
(Male or Female.)
child; that said child is now living and is said to have been named Andrew Island.

WITNESSES TO MARK:

(Must be Two
Witnesses.) { J.C. Johnson
Cornelia Williams

Maria Bowlegs X Her Mark

IN RE
THE DEATH OF

a citizen of the

Nation.

Approved 190

Commissioner.

*Filed
Aug 30, 1901*

This is to certify that I am the officer having custody of the records pertaining to the enrollment of the members of the ~~Creek~~ tribe of Indians, and that the within is a true and correct copy of death affidavit in the matter of the death of Andrew Island.

Muskogee, Indian Territory,
October 16, 1906.

TM

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Andrew Island
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Wetumka, Ind. Ter., and died on the 14 day of
Aug., 1900.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Annie Island, on oath state that I am 28
years of age and a citizen, by addoption, of the Creek Nation;
that my postoffice address is Wetumka, Ind. Ter.; that I am
(Here insert name of postoffice.)
mother of Andrew Island
(State relationship: as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by addoption, of the Creek Nation
and that said Andrew Island died on the 1st day of
August, 1900.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must Be Two Witnesses.) { J.C. Johnson
Cornelia Williams

Annie Island X Her Mark

Subscribed and sworn to before me this 29 day of August, 1901.

J.C. Johnson
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Jones Williams, on oath state that I am 24
years of age, and a citizen by addoption of the Creek Nation;
that my postoffice address is Bearden, Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with Andrew Island
(Here insert name of deceased.)
who was a citizen, by addoption, of the Creek Nation;
and that said Andrew Island died on the 1st day of
August, 1900.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must Be Two Witnesses.) {

Jones Williams

Subscribed and sworn to before me this 29 day of August, 1901.

J.C. Johnson
Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

as a citizen of

Nation

Approved

190

Commissioner.

Filed
Aug 30, 1901

This is to certify that I am the officer having custody of the records pertaining to the enrollment of the members of the Creek tribe of Indians, and that the within is a true and correct copy of birth affidavit in the matter of the birth of Billy Island.

Muskogee, Indian Territory,
October 16, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Billy Island (Give exact name of child.), born on the 20 day of May, 1900
Name of Father: Harry Island a citizen of the Seminole Nation.
Name of Mother: Annie Island a citizen of the Creek Nation.
Postoffice Watumka,

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Annie Island, on oath state that I am 28
years of age and a citizen by adoption, of the Creek Nation;
that I am the lawful wife of Harry Island, who is a citizen, by
adoption, of the Seminole Nation; that a male child was
(Male or Female.)
born to me on 20 day of May, 1900, that said child has been named
Billy Island, and is now ~~born~~ dead.

WITNESSES TO MARK:

Annie Island X Her Mark.

(Must be Two Witnesses.) { J.C. Johnson
Cornelia Williams

Subscribed and sworn to before me this 29 day of August, 1900.

SEAL

J.C. Johnson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Maria Bowlegs, a midwife, on oath state that I
attended on Mrs. Annie Island, wife of Harry Island
on the 20 day of May, 1900; that there was born to her on said date a male
(Male or Female.)
child; that said child is now living and is said to have been named Billy Island.

WITNESSES TO MARK:

Maria Bowlegs X Her Mark.

(Must be Two Witnesses.) { J.C. Johnson
Cornelia Williams

Subscribed and sworn to before me this 29 day of August, 1900.

J.C. Johnson
Notary Public.

1913

COMMISSIONERS
TAMM BERRY,
THOMAS B. NEEDLES,
C. R. BROCKENBIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

B.A. 84 & 85.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 17, 1903.

Annie Island,

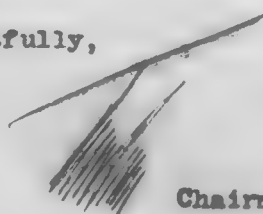
Wetumka, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative the births and deaths of your minor children, Billy and Andrew Island, who, it is claimed, are entitled to enrollment as citizens of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said children, for the purpose of being examined under oath.

Respectfully,



Chairman.

DA-84-85

DA-48-49.

Muskogee, Indian Territory, October 16, 1906.

Harry Island,

Wetumka, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor children, Billy and Andrew Island, both deceased, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-563.

BA-84-85.

DA-48-49.

Muskogee, Indian Territory, October 16, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Billy and Andrew Island, both deceased, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-564.

BA-84-85.
BA-48-49.

Muskogee, Indian Territory, October 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Billy and Andrew Isana, both deceased, as Creek Freedmen, including the decision of the Commissioner, dated October 15, 1906.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

LM-345.

REFER IN REPLY TO THE FOLLOWING

B.A. 8488

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. April 30, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith testimony of Jones Williams, taken April 21, 1906, in the matter of the application for the enrollment of Millie and Andrew Allen, both deceased, as Creek freedmen.

The testimony of Maria Bowlegs and Raster Island, which is desired in this case, will follow as soon as same has been secured.

Respectfully,

Alie Pugh
In charge of Creek Field Party.

13543 MAY 5 1906

Posey, Alex.,
Holdenville, I. T.,
Creek Nation,
Oct. 4, 1906.

Transmits testimony in re
application of Billy and
Andrew Island, both deceased
for enrollment as Creeks.

REFER IN REPLY TO THE FOLLOWING:

B.A. 84,
86.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Holdenville, Indian Territory, October 4, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith the testimony of Master Island and Maria Bowlegs, taken by the Creek Field Party, September 6 and 10, 1906, in the matter of the application for the enrollment of Billy and Andrew Island, both deceased, as Creek Freedmen, together with copy of the testimony heretofore taken in said cause.

Respectfully,

Alta May
In Charge,
Creek Field Party.

JBM

DEPARTMENT OF THE INTERIOR,
WASHINGTON. February 25, 1907. DLM OK

LRS
I T D 4320-1907
Direct

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 16, 1906, you transmitted the record in the matter of the application for the enrollment of Billy and Andrew Island, both deceased, as Creek Freedmen, together with your decision of October 15, 1906, adverse to the applicants.

Reporting February 19, 1907 (Land 91945-1906), the Indian Office concurs in your decision. A copy of its letter is enclosed.

Your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson
Assistant Secretary

1 inc and 2 to Ind Of

Refer in reply to the following
L and
91945-1906

DEPARTMENT OF THE INTERIOR?
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 19, 1907

Copy

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Billy Island and Andrew Island, both deceased, as Creek freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated October 15 1906, adverse to the applicants.

The record shows that on August 30, 1901, there was filed with the Commission to the Five Civilized Tribes applications in the form of affidavits for the enrollment of these applicants as Creek freedmen, and that on the same date there were also filed with the Commission affidavits in the matter of the death of the applicants.

The evidence shows that Billy Island and Andrew Island were twin children and that they were born on May 20, 1900. The evidence as to the dates of death of the applicants is contradictory, but the weight of the evidence shows that they did not live more than a month after birth.

Therefore, by reason of the provisions of Section 28 of the Act of March 1, 1901 (31 Stat.L.861), the Office concurs in the decision of Commissioner Bixby denying the enrollment of Billy Island and Andrew Island, both deceased, as Creek freedmen.

Very respectfully, C. F. Larrabee

Acting Commissioner

HEM LO

En. 1077

JWR

Mustagee, Indian Territory, March 7, 1907.

Harry Island,

Wetumka, Indian Territory.

Dear Sir:-

You are hereby advised that under date of February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your deceased minor children, Billy and Andrew Island, as Creek Freedmen.

Respectfully,

Commissioner.

CR EN 1078

CR EN 1078

11

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
SEPTEMBER 18, 1906.

In the matter of the application for the enrollment of
Margaret Ellen Smith, as a citizen of the Creek Nation.

Thomas N. Smith, being duly sworn, by H.G.Hains, a Notary
Public, testified as follows:

Appearances: J.G.Lieber, representing M.L.Mett, attorney
for Creek Nation.

By Commissioner.

- Q What is your name, age and post office address? A Thomas N.
Smith, age about thirty-five years old, Grayson, Indian Territory.
Q Are you a citizen by blood of the Creek Nation? A Yes sir.
Q What is the name of your father? A James Smith.
Q What is the name of your mother? A Mary Smith.
Q What Creek Indian town do you belong to? A Huchee.
Q Are either of your parents living? A No sir.
Q How many children have you had? A Five.
Q What is the name of the oldest? A Martin W. Smith.
Q Is he living? A Yes sir.
Q What is the name of the next one? A Phatima Smith.
Q Is she living? A Yes sir.
Q What is the name of the next one? A Steve J. Smith.
Q Is it Steve or Stier? A Yes sir.
Q Is he living? A Yes sir.
Q What is the name of the next one? A Albert K. Smith.
Q Is he living? A Yes sir.
Q What is the name of the next one? A Margaret Ellen Smith.
Q Is she living? A Yes sir, she is living.
Q What is the name of the mother of these children? A Adaline
Smith.
Q Is she a citizen of the Creek Nation? A No sir, she is not a
citizen.
Q State woman? A Yes sir.
Q How much Creek Indian blood have you? A About a quarter I guess.
Q Have you a step son named Samuel C. Smith? A Yes sir.
Q Is Margaret Ellen your youngest child? A Yes sir.
Q Are you married to the mother of these children? A Yes sir.
Q When were you married to her? A We were married in 1896 I believe
Q You are advised that you must furnish this office with a certified
copy of your marriage license and certificate showing your marriage
to this woman in the matter of the application for the enrollment of
this youngest child. A I will send it in.

Witness is identified as Thomas N. Smith, opposite Creek
Indian Roll number 3104.

- Q How do you spell the name of this child? M-a-r-g-a-r-e-t is the
usual way to spell it; its M-a-r-g-r-e-t in this affidavit?
A Yes, its M-a-r-g-r-e-t E-l-l-e-n Smith.
Q How old is she? A About six months old.
Q Is she over six or under six? A Little over six.
Q When will she be seven? A Will be seven months old the 7th day--
the 2nd day of this month, she will be seven months old.
Q Which is correct, the 7th or the 2nd? A 2nd is correct.
Q What did you start to say the 7th? A I was thinking about the time
I was married, we were married on the 7th, you were asking me about
it while ago and I was think about that.

- Q Were you present when this child was born? A Yes sir.
- Q What day of the week was it? A I don't remember just what day it was, seems to me like it was on Sunday.
- Q If it was on Sunday you would be more likely to remember that wouldn't you? A Yes sir.
- Q Think it was Sunday? A Yes sir, I think it was Sunday.
- Q There are six days in a week and only one Sunday, and for that reason you would be more likely to remember it? A Yes sir.
- Q You go to town on Saturdays often? A Yes sir.
- Q People go to church on Sunday, wouldn't that help you to remember that it was born on Sunday? A Yes sir.
- Q Did you have a doctor when this child was born? A Yes sir, I had an old lady.
- Q What is her name? A Emmeline Lucas.
- Q Did you have a doctor besides that woman? A No sir.
- Q Did you have a doctor for your wife shortly before the child was born? A No sir.
- Q Did you have a doctor shortly before--I mean shortly after the child was born either for your wife or child? A No sir.
- Q Well now Mr. Smith I want you think about when the child was born, whether you are positive it was born on Sunday or not? A I am pretty sure it was Sunday.
- Q Is there anything that helps you to remember that it was on Sunday? A Yes sir, all the rest of my children were born on Sunday except one, and me and my wife were talking about that.
- Q You talked about the fact that all your children were born on Sunday except one? A Yes sir.
- Q Which one wasn't born on Sunday? A Yes sir-- Steve.
- Q Steve or Stier? A Yes sir.
- Q What day of the week was he born on? A Wednesday.
- Q Was Margaret Ellen born in the day or night time? A Pretty near day light, about four o'clock in the morning.
- Q Sunday night or Monday morning? A It was Sunday--no it wasn't either--it must have been in the week since I have got to studying about it. I guess it must have born Wednesday morning, instead of Sunday.
- Q How do you explain your switching around--you said it was Sunday and now you say it was Wednesday? A It was the other that was born on Sunday, I remember now--
- Q To whom had you talked of the fact that all your children had been born on Sunday except one? A My wife, I remember now we were talking about it--that all our children had been born on Sunday except two.
- Q Except two now? A Yes sir.
- Q Seems strange you would make that mistake--get any explanation to make? A Well, we were talking about all being born on Sunday except two, and I remember we were talking about three being born on Sunday and two on --in the week days, that is the way it was now.
- Q Now what makes you remember it was on Wednesday? A Wednesday --- and Thursday I went to town, and Saturday I believe it was, I taken a man to the railroad.
- Q Whats that got to do with making you remember it was on Wednesday? A That is why I remember he was there.
- Q What is that man's name? A Henry Crawford.
- Q Where does he live? A At Henryetta.
- Q Is he any kin to you? A No sir.
- Q How does it come he was at your house when the child was born? A He had come there ever a week or two or so before, visiting I suppose.
- Q Stayed with you a week or two? A Yes sir.
- Q White man or citizen? A Citizen.
- Q Who else was present besides yourself, the old lady, your wife and this man Henry Crawford? A No, my wife, the midwife, and Henry Crawford, that is all.

Q Did you make any record, did you write down anywhere on a piece of paper or in a book, the date of the birth of this child?
A No sir.
Q Did anybody make any record of it? A No sir, not that I know of.
Q Did you buy anything at the store on that day or near that day?
A I went to town but didn't buy anything.
Q Where at Grayson? A Hoffman.
Q Who did you see there that day that you knew to talk to?
A I seen several people.
Q Did you go into any store that day? A Yes sir.
Q Whose store? A Keltner's.
Q Don't you remember whether you bought anything that day? On Credit?
A No sir, I didn't buy anything on credit that day.
Q Do you remember whether you anything at all that day?
A I bought a few groceries.
Q What was that day you went there? A That was on Thursday.
Q What day of the month? A On the 3rd day of March.
Q That is the only way you remember that? A Yes sir.
Q Couldn't it have been the 8th day of March when you went there, and the child was born on the 7th as you started to say a while ago?
A No sir.
Q You positively swear that it wasn't on that day--date? A Yes sir.
Q How long was your wife sick after the child was born? A She laid in bed nine days.
Q Then what did she do after that--did she go somewhere right after that? A No sir.
Q How long was it before she left the house the first time?
A A month or so I reckon.
Q Where was the first place she went to after she got up?
A She went to Ross Smith's.
Q Hear you there in Grayson? A Yes sir. About a mile from where we live.
Q Do you know S.J. Smith, Samuel J. Smith? There at Grayson?
A Yes sir.
Q What is his business? A He is the postmaster.
Q What is his nationality? A He is a colored man.
Q He is a Notary Public too, isn't he? A Yes sir.
Q Do you know when your wife made an affidavit before him? A Yes.
Q Where was that made at your place or at his place? A His place.
Q Did you take your wife down there? A Yes sir.
Q How old was the child at that time? A I think it was about three months.
Q Well, now are you sure of that? A It was sometime in June.
Q Do you know what day in June, what day of the week you took your wife before Smith, to make out this affidavit? A I don't remember just what day of the week it was.
Q About what part of the month was it, the first part, the middle, or the last part of June? A Along somewhere about the middle of June I think.
Q How near does this woman Emelina Lucas live from you?
A She stays at our house pretty near all the time, well the biggest part of the time.
Q Was she staying with you at the time of the birth of the child?
A She was staying there yes, no she was staying at her son's south
Q of Senora, and I went and got her a month or so before the child was born.
Q Before it happened? A Yes sir.
Q How long before it happened that you went and got her, was it fully a month or less than a month? A It was about a month I guess.
Q Where did you say you got her from, at whose house? A Her son, Ben Riley.
Q Where is his post office address? A Senora.

- Q Was he home when you went after her? A Yes sir.
- Q And he would remember the day you came and got her? A I reckon so
- Q How long did she stay at your house after the child was born?
- A Let me see, she stayed I reckon about a month.
- Q Then where did she go, back to Bun Riley's? A Yes sir.
- Q What month did she leave your house? A It was more than a month
- I remember now it must have been two months when she went home, she
- stayed with us two months.
- Q Did you see her make this affidavit before Smith? A Yes sir.
- Q Did you take her down to Smith? A Yes sir.
- Q Was she still staying at your house? A No sir, she had went back
- to Riley's and I went and got her to make this affidavit.
- Q You went and got her to make this affidavit? A Yes sir.
- Q You are sure of that? A Yes sir, she stayed at our house--then
- went back to Riley's, stayed there about three or four weeks, then
- I went and got her to make this affidavit.
- Q Then if I understand you right, at the time your wife and this
- woman made out this affidavit when you took them before Smith, that
- was about the --at the most, about two months after the child was
- born? A No it was over three months.
- Q You stated that she stayed with you about a month after the child
- was born, and a month before the child was born that makes two
- months? A Yes sir, two months.
- Q Are you sure? A Yes sir.
- Q Was it more than two months she stayed with you? A She stayed
- there about two months.
- Q Then she went to Riley's? A Yes sir.
- Q How long did she stay there at Riley's? A She was there about
- four weeks.
- Q You are sure it wasn't two months? A No sir, it wasn't two months
- Q Just about four weeks or a month? A Yes sir.
- Q Then from the time you went to get her, about a month before the
- birth of the child, until the time you went to get her to make out
- this affidavit, it wasn't more than three months? A No sir.
- Q Then as a matter of fact, you must have taken her to make this
- affidavit about two months after the birth of this child? A Yes sir,
- she stayed there until the child was born and went back to Riley's--
- Q You said three months, you said she stayed three months altogether?
- A No sir, I misunderstood you if I said that.
- Q Now isn't it a fact that you went and got her a month before the
- child was born, then how long did she stay at your house? A She
- stayed there two months.
- Q From the time you went to get her up until the time she left
- you, is about three months altogether? A I said she stayed with us
- two months then went back to Riley's and then I went there and got
- her to make this affidavit.

By Mr. Lieber.

- Q Now Mr. Smith, you have had a long time to think over what day of
- the week this child was born, tell the Commissioner what day of the
- week the child was born on? A It was born on Wednesday.
- Q Are you positive of that now? A Yes sir.
- Q You are positive of that? A Yes sir.
- Q How do you remember it was on the 2nd day of March that it was
- born on? A Well, it was born--we were talking about it being born
- on the 2nd day of March.
- Q Do you know how to read and write? A Yes sir.
- Q Take any papers, do you? A Yes sir.
- Q What papers do you take? A Take the Muskogee Phoenix.
- Q Where did--do you do your trading? A I do most of my trading
- at Morris, Morris.
- Q Where do you get your mail? A At Grayson.

Q Now Mr. Smith you saw some notices in the Muskogee Phoenix and also posted up in the post office at Grayson last spring, saying that the Commissioner was receiving applications for the enrollment of new born children, didn't you? A Yes sir.

Q You saw them? A Yes sir.

Q Explain to the Commissioner why it was that you waited until the 16th of June, 1906, before you ever made affidavit about the birth of this child? A Well I will tell you, I was very busy at work farming and never thought much about it, thought that I had plenty of time and went on farming.

Q How far do you live from Grayson? A About half a mile.

Q You go there frequently for your mail? A Yes sir.

Q Now you were not so busy during all these three months after the 2nd of March that you couldn't have taken your wife up to that Notary and make out an affidavit about the birth of this child, were you?

A I guess I could have, but I just kept neglecting it, is all.

Q Now you know Mr. Smith if this child was born on the 2nd day of March that it was a mighty close date? A Yes sir.

Q You know that if it had been born after the 4th day of March it couldn't have been enrolled? A Yes sir.

Q You had reason to believe that the Commissioner would require strict proof of the birth before he would enroll it didn't you?

A Yes sir.

Q And still you waited more than three months before making out an affidavit? A Yes sir.

Q What did you do with this affidavit after it was signed up before the Notary Public? A I mailed it.

Q Now you are positive that your child was born on Wednesday?

A Yes sir.

Q Now what did you have, that made you remember that date--all the time from the 2nd of March to the 16th of June, what did you have that made you remember that particular date, that the child was born on? Why I and my wife just got to talking about it, she said it was born the 2nd day of March and I remember we figured it up. Then I remember I went to town on Saturday taking this fellow to town.

Q Now isn't it a fact Mr. Smith that you don't know positively that this child was born on the 2nd day of March, 1906? A Yes sir.

Q You mean to say that you do know positively or don't know positively that it was born on the 2nd, March 2, 1906? A I mean that I do know that, positively.

Q You are clearly as positive that the child was born on Wednesday?

A Yes sir.

Q You are positive also that the child was born in the ^{first} part of March? A Yes sir, in the early part of March.

Q You are positive that the child was not born in February?

A It was not born in February.

Q Well now Mr. Smith, if the calendar for this year should show that the 2nd day of March didn't come on Wednesday, then what explanation would you have to make in saying that the child was born on Wednesday and on the 2nd day of March? A I don't know, it would be my mistake I guess.

Q Well now what do you think you are mistaken in, the day of the week or on the 2nd of March? A It would be the day of the week if I am mistaken at all.

Q Now you wouldn't be very apt to get the day of the week wrong, would you, Mr. Smith, a man can remember the day of the week that his child was born on better than he can the date, especially within a few months after the child was born? A Yes I guess so.

Q Now you said at first that the child was born on Sunday? A Yes, sir, that is true I said that, but I was mistaken in that.

Q Then you are positive that it was born on Wednesday? A Yes sir, I am sure of that.

Q Mr. Smith to be fair with you, isn't it a fact that the child was not born on the 2nd day of March, that it was born after that date? A No sir.

Q Well now I want ^{you} to explain to the Commissioner why you said it was born on Wednesday, and still it was born on the 2nd day of March, the 2nd day of March for this year does not fall on Wednesday, have you any explanation to make to that, Mr. Smith? A No I guess not.

Q Now you remember having taken this man Henry Crawford to Hoffman do you know on what day of the week that was? A It was on Saturday.

Q You are positive of that? A Yes sir.

Q Well now that is pretty easy to remember, isn't it? A Yes sir.

Q Now you also know that he left your house or rather you took him from your house to Hoffman, now how many days was it after this child was born? A It was the third day.

Q The child was born on Wednesday, and Thursday would have been the first day, Friday the second and Saturday the third, that is right? A Yes sir.

Q Q After what has just be related, you are still positive that this child was born on Wednesday in the month of March? A Yes sir.

Q And you are positive that it was in March when you took that fellow to Hoffman? A Yes sir.

Q Mr. Smith, now the calendar for March of this year shows the 2nd day of March fell on Friday, now then isn't it a fact that this child was born the Wednesday following the 2nd day of March? No answer.

Q You know it wasn't born on Wednesday before that, that would have been in February? A I guess I must have been mistaken in the day.

Q Must have been mistaken in the day or date? A In the day.

Q You made no record of the birth of this child? A No sir.

Q You are simply relying on your memory when you say the child was born on the 2nd day of March? A Yes sir.

Q You can't be mistaken about having taken Henry Crawford to Hoffman on Saturday? A I am not mistaken about taking him on Saturday.

Q And in March? A In March.

Q You generally go to town to Saturdays, don't you? A Yes sir.

Q Get your mail? A Yes sir.

Q And go to mill sometimes don't you? A Yes sir.

Q Custom down in your neighborhood for the farmers to go to mill on Saturdays? A Yes sir.

Q Now you are also positive that you took Henry Crawford on Saturday on the 3rd day of March, the third day after your baby was born? A Yes sir, it was on the 3rd day.

Q Now Mr. Smith we want you to explain to the Commissioner why you happen to say that this child was born on Wednesday and still insist it was born on the 2nd day of March? A I thought I had taken this fellow Saturday, I must be mistaken in that.

Q In other words you take the position that you are mistaken in every thing else except that the child was born on the 2nd day of March, that is not likely to be to be? A I don't think I am mistaken about that.

Q You went with your wife to the Notary Public when this affidavit was made out? A Yes sir.

Q Now before you went there or while you were on your way to the Notary's, or while you were there before the Notary, you and your wife just simply figured back and from your figuring concluded that your child was born on the 2nd day of March, didn't you?

He sir, it was born on the 2nd day of March.

Q So you and your wife talked it over before you went to the Notary Public? A It was born on the 2nd day of March, we talked about all of our children being born on Sunday ~~and~~ except two, and this one being born on Wednesday March 2, 1906.

Q How how did you come to that conclusion, how did you come to go at it, you didn't have any record of it, just kept it in your minds? A We just kept it in our minds that it born on the 2nd day of March; we didn't have any record.

Q Was there any other children in that neighborhood born just about the time your child was born? A Not that I know of.

Q Were there any deaths in your neighborhood just about the time your child was born? A No sir, I don't thkni there was any.

Q Is your wife at home now Mr. Smith? A Yes sir.

Q Is she well? A Yes sir.

Q Able to go about? A Yes sir.

Q How far do you live from Morris? A About seven miles.

Q What direction? A South.

Q Mr. Smith is that your wife's signature in the original application? A Yes sir.

Q Did you see her sign that affidavit? A I was standing there when they were fixing the papers up but I never paid any attention to it.

Q Did you see the Notary Public swear your wife? A Yes sir.

Q To the affidavit? A Yes sir.

Q Did you see Emeline Lucas make her mark to the affidavit just below your wife's affidavit, did you see her touch the pen? A Yes sir.

Q Who witnessed her mark? A I don't remember.

Q Did Emeline Lucas also swear to the affidavit before the Notary Public? A Yes sir.

Q You saw her hold up her hands and swear to it? A Yes sir.

Q Were the affidavits read over to your wife and Emeline Lucas before they signed it? A I don't remember whether it was or not.

Q Who made the affidavits out you or the Notary Public? A The Notary Public.

Q Did he make that out from information given by you and your wife? A My wife gave him the information.

Q What did you pay him for making at these affidavits? A I think it was fifty cents.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merrick

Subscribed and sworn to before me this 24th day of September, 1906.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
INDIAN TERRITORY.
SEPTEMBER 21, 1906.

N.B.C. 374.

In the matter of the application for the enrollment of
Margaret Ellen Smith, as a citizen by blood of the Creek
Nation.

APPEARANCES: John G. Lieber acting for M. L. Nett,
attorney for Creek Nation.

Henry Crawford being first duly sworn by Henry G. Hains,
testified as follows, to-wit:-

- Q: What is your name? A: Henry Crawford.
Q: How old are you? A: 34 years old the 21st. day of this
coming November.
Q: What is your post-office address? A: Henryetta.
Q: Are you a citizen of the Creek Nation? A: Yes sir.
Q: By Blood? A: Yes sir.

Questions by J. G. Lieber, acting attorney for the Creek
Nation.

- Q: Do you know Thomas M. Smith and Adeline Smith his wife?
A: Yes sir.
Q: Do you know where they live Mr. Crawford? A: Yes sir.
Q: Are you related to them in any way? A: None at all.
Q: Are you on friendly terms with them? A: Yes sir.
Q: Visit them sometimes? A: Yes sir.
Q: Did you visit them sometime last Spring? A: Yes sir.
Q: What time did you go to their house Mr. Crawford?
A: I went to their house between the 10th. and the 14th.
to the best of my knowledge.
Q: Of what month? A: February.
Q: How long did you stay there before you left?
A: I stayed there somewhere's about a month or probably more.
Q: Are you sure you stayed there at least a month? A: Yes sir
I did.
Q: Then you left there sometime during March? A: Yes sir.
Q: Can you state about what time in March you left there?
A: I left there in March about somewhere between along the
10th. and 15th. I guess, I was gone a week and then came
back, I went to Henryetta, 8 miles from there.
Q: Was your wife there with you? A: Yes sir, she was there
with me.
Q: How many you and your wife there when the child was born to
Mrs. Smith last Spring? A: Yes sir.
Q: How old was that child when you left there?
A: Well the child was about three weeks old I guess.
Q: When you left there the first time?
A: Yes sir, two or three weeks I wouldn't say exactly how old
it was. I never paid a great deal of attention to it.

- Q: What day of the week did you leave there Mr. Crawford?
A: I left there on Sunday morning.
Q: Now had that child been born during the weeks previously?
Previous to the Sunday you left? A: Yes sir, it was born
a week or ten days before I left.
Q: That was before you left the first time? A: Yes sir, that
was before I left the first time.
Q: Then you didn't leave the house there the Sunday after the
child was born, did you? A: Yes I left the house the
Sunday after the child was born I believe, I wouldn't be
positive for I didn't pay a great deal of attention to it
and like a lot of fellows would it wasn't none of my
affairs, but I know it was on Sunday morning. I remember
that distinctly. I met some lawyers at Hoffman and we all
went to Henryetta on the train together and the following
Sunday the same bunch of us came back on the train.
Q: Now I wish you would think a little Mr. Crawford and state
to the Commissioner whether or not you left there the Sunday
after the child was born?
A: I wouldn't say whether it was the Sunday after or the follow
ing Sunday after that Sunday, but I knew it was several days
after the child was born me and Mr. Smith and some fellows
went on the river hunting and we were gone three or four day
and I wouldn't state what day of the month the child was
born or what day of the week, because I could refer back to
some notes I have and find out exactly, but not knowing I
was coming on this business I didn't pay much attention to
it. I could come within somewhere of 8 or 10 days of
it but within 2 or 3 days of it, I wouldn't say at all.
Q: Then you have some memorandum that you can refer too and
by that fix the exact date of the birth of this child?
A: Yes sir, I can do that. But for me to say positively now,
I wouldn't do it.
Q: You haven't that memorandum with you now have you?
A: No sir.
Q: Can you have it here next Monday morning?
A: I can't have it here on Monday morning because I can't
make the train on time. Today is Saturday and I couldn't
leave there on Sunday night, so Tuesday morning is as soon
as I can get here.
Q: Then you couldn't get back here conveniently before Tuesday
morning? A: Tuesday morning is as early as I can get back
Q: Does your wife know when this child was born?
A: Yes sir.
Q: Was it a boy or girl child? A: A girl.
Q: You don't remember what day of the week it was born on?
A: No sir, I don't.
Q: Who took you to the train when you left Hoffman at that
time Mr. Crawford; when you first left there from Smiths?
A: Well Tom Smith carried me and my wife when we left there
on the train, and when I went myself the week before,
Tom Smith and I went together on the train.
Q: In a wagon? A: No, we walked over, and he carried us in a
wagon when my wife was there when we went to the train.
Q: As I understand you you stayed there about a month, you and
your wife? A: Yes sir, I was there 2 weeks longer than
my wife was.
Q: After you were there about a month you left and went to
Henryetta? A: Yes sir.
Q: Did you leave your wife there at Smiths at that time?
A: Yes sir.
Q: Then about a week after that you came back did you?
A: Yes sir.
Q: Was it the week afterwards?

- Q: Yes sir, we left on Sunday morning and came back on Sunday morning and the following Monday me and my wife went back to Henryetta.
- Q: Was this child born before you left there the first time?
- A: Yes sir.
- Q: But you can't state how many days it was when you left there the first time? A: No sir, I can't, I wouldn't do it.
- Q: But you think that memorandum you have will assist you in fixing that date?
- A: Yes it will fix it, I can tell what day of the week it was and the month too.

Attorney for Creek Nation asks that the Commissioner directs the witness to return next Tuesday morning with his wife to give further testimony in this case at the expense of the Creek Nation.

By Commissioner, to witness:

- Q: Do you understand that, and will you do that?
- A: Yes sir.
- (Witness is hereby advised to appear here not later than next Tuesday morning with his wife and bring the memorandum referred to in his evidence, with him)

This is all the evidence given in said cause on said date.

I, Julia G. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes, as taken by me in said cause on said date.

Julia G. Laval

Subscribed and sworn to before me this 5 day of October, 1906.

W. H. Harris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
SEPTEMBER 25, 1906.

W.B.C. 374

In the matter of the application for the enrollment of
Margaret Ellen Smith as a citizen by blood of the Creek
Nation,

APPEARANCES: John G. Lieber acting for M. L. Nett,
attorney for Creek Nation.

Henry Crawford being first duly sworn by Henry G. Hains,
a Notary Public, testified as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Henry Crawford.
Q: Did you testify in this case just the other day? A: Yes sir

Questions by John G. Lieber, acting attorney for the Creek
Nation.

- Q: Have you with you the memorandum referred to in your
testimony the other day? A: Yes sir, I have.
It is one day shorter than I said, I said I could tell you
within 8 or 10 days when that occurred over there.
Q: What kind of a memorandum have you Mr. Crawford?
A: I have a note I paid off a few days after the child was
born over there.
Q: What other memoranda have you? A: I have some memoranda
that I had some boarders shortly after I went back from
Smiths'.
Q: I wish you would let the commissioner see the note which
you paid off which you say was a few days after the child
was born?
(Witness exhibits note to Commissioner)
Q: Does that note show when it was paid? A: Yes sir.
Q: On what day does it show that it was paid?
A: The 8th. of March.
Q: This year? A: This year.

(On the back of the note in pencil is written "Paid March
the 6, 1906")

- Q: When did you make that pencil note on the back of this note
Mr. Crawford? A: The day I paid it off.
Q: This was a note given by you to Thomas H. Smith, was it?
A: Yes sir.
Q: Was that note due at the time you paid it off?
A: Let's see, no that note wasn't really due, I don't believe
that note was made on the 13th. wasn't it?

- Q: I am asking you from memory only Mr. Crawford not what the note shows.
- A: I believe it was made on the 13th.
- Q: Of what month? A: February.
- Q: Can you explain to the Commissioner why you paid this note off before it came due? A: I was fixing to leave and go back and I didn't know when I would go back or nothing about it and I had a chance to get the money, I borrowed the money and I paid it off, also I wanted to save the interest on it.
- Q: Whom did you borrow the money from Mr. Crawford?
- A: From Bill Ricker.
- Q: What business is he in? A: Well sir, he is a coal-miner.
- Q: Where does he live? A: He has been living at Henryetta, he is probably back there now. He has been gone for the last couple of months, I heard the other day he was coming back.
- Q: Did you give him a note for the money you borrowed from him?
- A: No sir.
- Q: Did you give him anything to show you owed him that amount of money? A: No sir.
- Q: If he isn't at Henryetta do you know where you could find him? A: No sir, I don't know. He went to Oklahoma, but I don't know whether he is there or not and I don't know what part of Oklahoma.
- Q: Well don't you have to pay this other fellow interest on the money you borrowed, with which to pay this note?
- A: No sir, I did not.
- Q: You have paid him back, have you Mr. Crawford?
- A: Yes sir, I have paid him back.
- Q: Now can you swear positively that this child, Margaret Ellen Smith was born before you paid this note off?
- A: Yes, she was born before I paid the note off.
- Q: How do you happen to remember that circumstance?
- A: Well in two places I believe-- On Saturday after the child was born, Tom Smith and I went down to Hoffman and came back on a Sunday---why we monkeyed around I disremember---- but I think we went to a little town called Wild Cat, Grayson, some calls it and then the following week before I went to Henryetta, we fixed a hog pasture for Tom Smith and also hunted a great deal during that week. We worked a day or two, I don't know just how long on the hog pasture and fixed it up for him and hunted on the river, and I know the baby was there then.
- Q: Do you mean that the baby was there when you went down to Hoffman that Saturday? A: Yes sir.
- Q: Now how many days after you paid off this note was it before you went to Henryetta the first time when you went by yourself?
- A: Well sir, I wouldn't say how many days it was but it was the following Sunday, it was the second Sunday you might say, I stayed there one Sunday and the next Sunday I went to Henryetta.
- Q: Now then did you go to Henryetta the Sunday after you paid off this note. A: No sir it was the next Sunday I believe or that following Sunday I just disremember now, I don't know whether it was or not, I wouldn't say that much.
- Q: Now you have another memorandum you say about a party who went to board with you after you and your wife had returned to Henryetta
- , have you Mr. Crawford? A: Yes sir.

- Q: Will you show the Commissioner that memorandum please?
(Witness exhibits memorandum to Commissioner)
- Q: Now that memorandum shows the date that Sam Cook went to board with you, don't it? A: Yes sir.
- Q: And what date does it show? A: March 26--9 days.
- Q: What does that March 26 indicate there Mr. Crawford?
- A: That indicates the day he commenced boarding with me.
- Q: What does the 9 days indicate? A: The 9 days he boarded with me.
- Q: 9 days from the 26th. of March? A: Yes sir.
- Q: Now how long after you and your wife returned home was it that this man went to board with you?
- A: Oh it was 2 or 3 days or 4 days I don't know just how many days it was, I had been working for sometime that week, I don't know how many days it was. Something like a week, two days or a week, I don't know which it was.
- Q: Now if I remember your testimony the other day you testified that you and your wife left Mr. Smith's house and returned to Henryetta on Monday. A: Yes sir, we returned home on Monday.
- Q: That was in March? A: In March.
- Q: Now if this man went to board with you on the 26th. day of March which was on Monday then you and your wife must have returned from Mr. Smiths' on the Monday before that?
- A: Well probably it was.
- Q: Which would be the 19th? A: Yes sir, it would be the 19th.
- Q: Then you testified the other day that you and your wife had returned to Smith's from Henryetta the week before you and your wife left there? That is you left Smith's one Sunday yourself? A: Yes sir.
- Q: Stayed all that week in Henryetta? A: Henryetta and at McDonald's mine. I worked at the mine.
- Q: The following Sunday you returned to Smiths and the following day you and your wife left Smiths and went to Henryetta?
- A: That is right.
- Q: Then if the 26th. was on Monday the day Cook went to board with you and your wife and you returned to Henryetta the Monday before that, it would be on the 19th. of March?
- A: Yes sir.
- Q: Then the week before that--Sunday of the week before that was the day you left Smiths' yourself to go to Henryetta?
- A: Yes sir.
- Q: Which would make it on the 11th. of March? A: Yes sir.
- Q: So that you left Smiths yourself for Henryetta the first time after the child was born on the 11th. day of March, didn't you? A: Yes sir.
- Q: That is about straight, isn't it? A: Yes sir, that is just about straight.
- Q: Your recollection is that you paid that note after the child was born? A: Yes sir.
- Q: Could you say positively how many days old the child was when you paid the note? A: No sir, I couldn't. But it wasn't but a few days old I know, I don't think it was over 3 or 4 days I don't think.
- Q: The week that you were at Henryetta working at the mine Mr. Crawford, it was the week before you and your wife returned home from Smiths on Monday, did you have any financial transactions with anybody during that week?

- A: No sir I did not, nothing but a lot of hard labor.
- Q: I mean while you were over there that week, did you lend any money to anybody or borrow any money from anybody?
- A: No sir. But I did lend some money the same week that I and my wife returned home.
- Q: Whom did you lend that money to Mr. Crawford?
- A: Porter Hopkins.
- Q: Has Hopkins paid you that money back? A: Yes sir.
- Q: Did you take any note of any kind or writing for it?
- A: I took a note on a pony.
- Q: How much did you lend him? A: \$11.
- Q: Do you know where that note is, where you put it?
- A: No sir, I tried to find it and bring it up I promised the Commissioner I would look for it and bring it up but this one I have shown you is the only one I could find.
- Q: Where does Porter Hopkins live? A: That was in Henryetta. I don't know just where, he may be up here in Muskogee now, I don't know, I heard he was.
- Q: In the country? A: Yes sir.
- Q: How far from Henryetta? A: Ten or eleven miles.
- Q: When you went to Henryetta the first time by yourself did anybody go to the train with you? A: Yes sir, Tom Smith went to the train with me.
- Q: How did you go? A: We walked.
- Q: Now when you and your wife went to Henryetta the week after that who went to the Depot with you? A: Tom Smith.
- Q: How did you go? A: In a wagon.
- Q: He took you and your wife in a wagon to Hoffman?
- A: Yes sir.
- Q: Have you had any talk with Mr. Smith or his wife since you were here last week Mr. Crawford? A: No sir, I have not.

MRS. IDA CRAWFORD being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: What is your name? A: Ida Crawford.
- Q: How old are you Mrs. Crawford? A: 22.
- Q: What is your post-office address? A: Henryetta.
- Q: You are the wife of Henry Crawford who had just testified in this case are you? A: Yes sir.
- Q: You are related to Adeline Smith the wife of Tom Smith are you not? A: No sir.
- Q: Are you related to Mr. Smith? A: No sir.
- Q: Is your husband related to either one of them?
- A: I don't know whether he is or not. But I know
- Q: Not that you know of at least? A: No, not that I know of I wouldn't say that he was or I wouldn't say that he wasn't.
- Q: Mrs. Crawford you were present last Spring when a child was born to Mrs. Smith were you not? A: Yes sir.
- Q: Do you know in what month it was that that child was born?
- A: No sir, I don't.

- Q: Don't you remember even the month it was born in Mrs. Crawford? A: It was in the last of February or along the 1st. of March I don't remember which.
- Q: Do you remember what day of the week it was born on?
- A: No sir.
- Q: You were visiting at Smiths' when this child was born were you not? A: Yes sir.
- Q: How long had you been there when the child was born?
- A: I don't know just how long I had been there, I had been there 4 or 5 days.
- Q: 4 or 5 days? A: Or something like that, I don't know just how many days I was there.
- Q: How when did you go there? A: I went there sometime in February.
- Q: Do you remember the date? A: No sir.
- Q: Do you remember the day of the week that this child was born on? A: No sir.
- Q: Are you satisfied that it wasn't born on Sunday?
- A: I don't know whether it was or not. I don't know what day it was born on.
- Q: Well I mean if it had been born on Sunday you would likely have remembered that wouldn't you?
- A: No, I don't think it was born on Sunday, though it might have been.
- Q: Now your husband was there also at the time this child was born wasn't he? A: Yes sir.
- Q: And sometime after the child was born he left and went to Henryetta, didn't he? A: Yes sir.
- Q: Do you remember what day of the week it was he went to Henryetta that first time, Mrs. Crawford?
- A: The first time he left after the baby was born?
- Q: Yes. A: He left on Sunday.
- Q: You remained there at Smiths' at that time, didn't you?
- A: Yes sir.
- Q: Now how old was the child when he left for Henryetta the first time? A: I don't know how old it was.
- Q: Well was it born during the week before he left on Sunday?
- A: Yes sir.
- Q: You are sure of that? A: It had been born a week or something like a week when he left there.
- Q: Well would you say the child was more than a week or a little less than a week before he left the first time?
- A: It might have been more than a week and it might have been a week, I wouldn't say which.
- Q: But you know he left on Sunday? A: Yes sir.
- Q: Who went with him to the depot that Sunday when he left himself? A: Tom Smith.
- Q: How did they go, in a wagon or walk or how?
- A: I think they walked.
- Q: Now the next week after that when you and your husband went to Henryetta who went to the depot with you?
- A: Tom Smith.
- Q: How did you go that time Mrs. Crawford? A: We went in a wagon.
- Q: Mr. Smith took you in a wagon, did he? A: Yes sir.
- Q: Was there any Doctor there Mrs. Crawford while Mrs. Smith was sick after the birth of that child? A: No sir.
- Q: Who acted as midwife Mrs. Crawford? A: My mother, Grandma Lucas.
- Q: Was there any other ladies there at the time it was born or shortly after it was born, any besides you?

- A: There was nobody there when it was born but her mother and me.
- Q: Did anybody come there shortly after that? A: There was women there the next day or two days or three days, I don't know just what time it was afterwards.
- Q: Do you remember any of their names? A: Mrs. Thornberry, Bill Thornberry's woman was there.
- Q: Where do they live Mrs. Crawford? A: They live over there by Deep Fork Bottom.
- Q: How far from Hoffman? A: I don't know how far it is.
- Q: Now you say you are not positive whether your husband left for Henryetta the first Sunday after the child was born or the second Sunday after the child was born--the first time he left? You say you are not positive of that?
- A: No sir.
- Q: I wish you would think a little and try to give the Commissioner a definite answer to that if you can?
- A: Yes sir, but I don't know and I ain't going to say by guess work.
- Q: I don't want you to guess about it that is the reason I was taking a little time and think it over, of course I don't want you to swear to anything you don't know; that wouldn't be right.
- A: Well I don't know.
- Q: You won't swear that he stayed there two Sundays after the child was born or that he stayed there one Sunday after it was born, would you? A: No sir.
- Q: You just simply don't remember? A: No sir, I don't.
- Q: Now you were there all that time, were you not Mrs. Crawford?
- A: Yes sir.
- Q: You were right there at the Smiths' house about that time?
- A: Yes sir.
- Q: Do you know whether the Smiths' made any record of the birth of this child? A: No sir.
- Q: Who went to Smiths' house first, you or your husband?
- A: He went there first.
- Q: How long had he been there before you went there?
- A: I don't remember.
- Q: How old was this child Mrs. Crawford when you and your husband went back to Henryetta? A: It was something over two weeks old.
- Q: Are you positive of that? A: Yes, I know it was as much as two weeks old and it might have been over.
- Q: How do you happen to remember that it was as much as two weeks old and probably more than that?
- A: Well I was there.
- Q: Now how long did you stay there at Smiths' from the time you went there until you left? A: I don't know how long I stayed.
- Q: Well do you remember whether it was 2 weeks or 3 weeks or anything about that? A: No sir. But I knew I stayed longer than two weeks from the time I went there until I left.
- Q: Don't you remember how long your husband had been there before you went there? A: No sir.

Questions by Commissioner:

- Q: All that you remember then, is that you were there when the child was born? A: Yes sir, I am positive I was there. I was right in the next room to it.
- Q: You were right in the next room to it? A: Yes sir.

- Q: How long was it born before you knew it was born?
A: Just a few minutes.
Q: Then did you go in and see it? A: Yes sir.
Q: You don't remember what day of the week that was, do you?
A: No sir.
Q: You are not positive whether it was in February or March or what part of either month? A: No sir.
Q: What time was that, what hour? A: I wouldn't say what hour.
Q: About what time was it, was it in the day time or night?
A: It was between midnight and day-light.
Q: Did you stay awake just waiting for it to be born?
A: No sir.
Q: How did you happen to be awake? A: They were us up.
Q: In spite of all these extraordinary circumstances you don't remember anything else than what you have stated? You were awakened in the middle of the night to see a new born child and don't know what day of the week it was or what day of the month it was? A: No sir.

This is all the evidence given in said cause on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before
me this 12 day of October, 1906.

Edward Herrier
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
NOVEMBER 21, 1906.

In the matter of the application for the enrollment of
MARGRET ELLEN SMITH as a citizen by blood of the Creek
Nation.

(The office of John G. Lieber, attorney acting in behalf of
M. L. Mott, for the Creek Nation was communicated with by
phone and this office is informed that he was not in.)

ADLINE SMITH, being first duly sworn by Edward Merrick a
Notary Public, testified as follows:

QUESTIONS BY COMMISSIONER:

- Q: What is your name? A: Adline Smith is my name.
Q: How do you spell it, Adeline? A: Adeline.
Q: How old are you Mrs. Smith? A: I am 37 years old.
Q: What is your post-office address? A: Grayson.
Q: Are you a citizen of the Creek Nation? A: Yes sir.
Q: Are you married? A: Yes sir.
Q: What is the name of your husband? A: Thomas M. Smith.
Q: Is he a citizen of the Creek Nation? A: Yes sir.
Q: Citizen by blood, is he? A: Yes sir.

It appears from the records of this office that on June 20,
1906 there was filed affidavits in the matter of the birth
of Margret Ellen Smith and said affidavits were signed by
Adline Smith the mother and by Emline Lucas, midwife.

- Q: You have a child have you--young child born in the past
year? A: Yes sir.
Q: What is the name of that child? A: Margret Ellen Smith.
Q: How do you spell Margret? A: I don't know that is a
hard name to spell.
Q: Your husband has previously testified and states that name
should be spelled Margret, is that correct?
A: Well I don't know, I have seen it spelled a few times but
I couldn't spell it myself and I am not a very good speller.
Q: You are satisfied that it should be spelled that way, are
you? A: Yes sir.
Q: Do you remember the date on which that child was born?
A: Yes sir, it was born on the 2nd day of March.
Q: How do you know it was born on the second day of March?
A: Because I looked at the calendar.
Q: Did you have a calendar in the house? A: Yes sir.
Q: Did you make any record of it in any way?
A: No sir, I never made any record.
Q: When did you look at the calendar to see as to the date?
A: Well I looked just as soon as over the child was born.

- Q: The same day? A: Yes sir.
Q: What sort of a calendar have you in the house?
A: Well it is one of these large ones.
Q: On what day of the week was this child born? A: Friday.
Q: Your husband in his previous testimony has given a different day, in fact has given two different days; from the one you now give, he has stated it was born on Sunday and said it was born on Wednesday, you now state it was born on Friday?
A: Well I think you will find it right if you go look at the calendar, that it was born on Friday the 2nd. day of March.
Q: Do you remember distinctly of looking at the calendar on the day that this child was born? A: Yes sir.
Q: Do you remember of seeing that it was on Friday? A: Yes sir?
Q: Or has someone refreshed your memory since? A: No sir I always pay attention to my childrens birth and age.
Q: Can you give the date of birth and the day of all your children? A: Yes sir, I can.
Q: Have you your marriage licence and certificate with you to be filed in this case? A: I have the certificate, yes sir.

Witness presents a marriage certificate, copy of same will be made and filed in this case.)

- Q: Your name as shown by this marriage certificate is spelled Adeline---is that correct?
A: That is the ministers writing, that is the way he wrote it some people writes it different from what I spell it.
Q: But you usually spell it Adeline, do you?
A: Yes when I give in my name, I do when they ask me how to spell it.

This is all the evidence given in said cause on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval.

Subscribed and sworn to before,
me this 28 day of November, 1906.

Edward H. Kiersey
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Veleetka, I. T., November 10, 1904.

In the matter of the application for the enrollment of Wesley Deere as a citizen by blood of the Creek Nation.

WILLIAM YAHOLA, being duly sworn, testified as follows:

Partly through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A William Yahola.
Q What is your age? A Thirty-three years old.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Muyaka.
Q Did you know Wesley Deere? A Yes, sir.
Q To what town did he belong? A He properly belong to Muyaka Town but was enrolled as a member of Okfuske Deepfork.
Q Is he living? A Dead.
Q How long has he been dead? A He died in 1897 or 1898.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir, it was in 1899--in April.
Q Was Wesley Deere dead when the land office opened? A Yes, sir.
Q Are you positive that he was dead then? A Yes, sir. I was a close neighbor to him.
Q About how old was he when he died? A He was probably 65 years old.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 17 day of November, 1904.

D. C. Skaggs
[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 3, 1906.

In the matter of the enrollment of Wesley Deere, deceased, as a citizen by blood of the Creek Nation.

LUCINDA LUMKINS, being duly sworn, testified as follows:

Through Alex Possey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Lucinda Lumkins.
Q Are you enrolled as a citizen of the Creek nation? A Yes, sir.
Q Under what name? A Lucinda Insha.
Q How old are you? A Twenty-eight.
Q What is your post office address? A Fry.
Q What was your post office address when you selected your allotment?
A Morse.

The records of the Commission show that Lucinda Insha is listed for enrollment on Creek Card, Field No. 150, and that her name is contained in the partial list of Creek Citizens by blood approved by the Secretary of the Interior March 13, 1902, No. 555.

- Q Do you know Wesley Deere? A Yes, sir.
Q Is he any relation to you? A He was my father.
Q Is he living? A Dead.
Q When did he die? A In 1899.
Q What day and what month? A the 8th of January.
Q What fixes it in your mind that he died at that time? A Because he was dead at the time I selected my land.
Q How long had he been dead when you selected your land? A I filed on my allotment in June 1900 and he was dead at that time. I do not know how long he had been dead.
Q Do you know the year the land office opened? A No, sir.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir. People had been filing on their land quite a while before I selected land for myself. When I came to file on my land, in June, 1900, I told the Commission when my father died and they told me he died in the right year but the wrong month.
Q Do you know when New Years is? A Yes, sir.
Q And Christmas? A Yes, sir.
Q How long was it after Christmas or New Years that your father died?
A He died on the eighth day of the new year.
Q Were you living with him when he died? A Yes, sir.
Q Who else was there when he died? A Any of his neighbors up at Morse ought to know the exact date of his death as well as I do.
Q Are you positive that he died before the land office opened? A I do not know when the land office opened but according to my best information he died before.

An examination of the records of the Commission shows that Wesley Deere is listed for enrollment on Creek Card, Field No. 1369, and that his name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, Roll No. 4228.

The records of the Commission show that an allotment of land was arbitrarily allotted to said Wesley Deere, October 15, 1902.

C. 1369.---2:

I, D. C. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 11 day of January, 1905.

Edw. S. Shaggs
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okemah, I. T., February 20, 1905.

In the matter of the enrollment of Wesley Deere, deceased, as a citizen by blood of the Creek Nation.

JOE DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Joe Deere.
Q How old are you? A Fifty-seven.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbocoche.
Q Did you know Wesley Deere? A Yes, sir.
Q What relation was he to you? A No relation.
Q To what town did he belong? A Nuyaka.
Q Do you know when he died? A He died before people began filing on their allotments.
Q What fixes it in your mind that he died then? A Because it was shortly after the section lines were established and at that time people were not going before the Commission to select land, but were getting ready to do so. Wesley Deere was making preparations to file on his land when he died by looking up the section lines and blazing trees about his home. He desired to be allotted so as to include all of his improvements.
Q At that time had any one that you know, made actual selection of land? A No, sir, no one in the Creek Nation had. People were talking about allotment and had been advised by the Principal Chief to get ready for it, but actual filing had not begun.
Q Was he married? A He was not married at the time he died.
Q Do you know whether or not a record was made of his death? A I do not know as to that but he was a Church member and it is quite likely that the Church people at Okfuske made a record of his death.
Q Who would likely have that record? A I cannot say.
Q Was he a close neighbor of yours? A Yes, sir, I saw him nearly every day. Wesley Deere was also known as Chu Emarthlogoe.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 8 day of April 1905.

D. C. Skaggs
Edw. L. Skaggs
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okemah, I. T., February 21, 1905.

C. 1359.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Wesley Deere, deceased, as a citizen by blood of the Creek Nation.

Eli Heneha, being duly sworn, testified through Alex Posey Interpreter:

BY COMMISSION:

- Q What is your name? A Eli Heneha.
- Q How old are you? A I think I am about twenty-eight years old.
- Q What is your post office address? A Morse.
- Q Are you a citizen of the Creek nation? A Yes, sir.
- Q To what town do you belong? A Arbacoche.
- Q Did you know Wesley Deere? A Yes, sir.
- Q What relation was he to you? A No relation.
- Q Do you know when he died? A I think he died since the land office opened.
- Q How long after the land office opened did he die? A About a year.
- Q Do you know in what month he died? A He died in the winter time but I do not remember the month---probably in February.
- Q Do you know any one who ~~was~~ had filed on his land at the time Wesley Deere died? A Tuske Heneha, I think, had made selection of land when Wesley died. Tuske had filed upon his land and at the time of his last illness Wesley Deere attended upon him as doctor.
- Q How long was it after Tuske filed upon his land that he became ill? A Something like a year.
- Q How long after Tuske died did Wesley Deere die? A Between three and four months.
- Q Are you positive that he died after the land office opened? A Yes, sir.
- Q Do you know whether or not a record was made of his death? A I do not know. He did not belong to my town. He was a member of Nuyaka Town.
- Q How old was he at the time he died? A Between fifty and sixty years old.
- Q On November 10, 1904, William Yahola appeared before the Commission and swore that Wesley Deere died in 1897 or 1898? A He was evidently mistaken because I am positive that he died after the land office opened and was living after myself and other had filed upon their allotments. Myself and others had an interest in a big pasture and agreed to take our allotments together and rent the pasture out to cattle-men. Wesley Deere also had an interest in the pasture but on account of the death of one of his children was unable to go to Muskogee to file upon his land and did not get his rent because he had no certificate of allotment. That fixes it in my mind that he died after people began making selection of land.
- Q What are the names of the other people who had an interest in the pasture with you? A There were a number of persons among others, Thomas Scott, Wilson Beaver, Thomas Knight, London Knight, Rumsey Knight and their children.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 8 day of April 1905.

D. C. Skaggs
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okemah, I. T., February 23, 1905.

C. 1359.

In the matter of the enrollment of Wesley Deere, deceased, as a citizen by blood of the Creek Nation.

BALISSA HENEHA, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Balissa Heneha or King.
Q How old are you? A I was born in 1879.
Q What is your post office address? A Morse.
Q Are you a citizen of the Seminole Nation? A Yes, sir.
Q Did you know Wesley Deere? A Yes, sir, I was well acquainted with him.
Q Do you know when he died? A I have no record to fix the date of his death in my mind but I think he died sometime in 1900.
Q Do you know in what month he died? A I think he died in January of that year.
Q What circumstance fixes it in your mind that he died in 1900? A It is the custom of the Indians to celebrate New Years with various festivities. I attended a New Years Dance that year at the home of George Hicks. During the progress of the dance, Lucinda, a daughter of Wesley Deere, came and announced that her father had died.
Q Are you positive that that was in 1900? A I am quite certain it was on January 1, 1900.
Q Is Lucinda living? A She is living near Coweta.
Q What is Lucinda's full name? A Her name then was Lucinda Deere but she has since married and I do not know to whom she was married.
Q Did Wesley Deere die before or after the opening of the Creek Land Office? A He died after people began filing on their land. He was advised to go before the Commission at Muskogee to make selection of land for himself but was slow about doing so and had made no selection of land at the time he died.
Q How long had people been filing on their land when he died? A About a year. He was fully entitled to go before the Commission and file on his land but he was a strong "Snake" sympathizer and held back.
Q Do you know whether or not a record was made of his death? A I do not know.
Q How old was he? A He was an old soldier.
Q Did he have a family? A He has two children living. His wife died long before he died.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 8 day of April 1905.

D. C. Skaggs
Notary Public.

Morse Ex Case

C.1359.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Morse, I. T., March 9, 1905.

In the matter of the enrollment of Wesley Deere, deceased, as a citizen by blood of the Creek Nation.

JOE DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Joe Deere.
Q What is your age? A About fifty-seven.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbicoche.
Q Did you know Wesley Deere? A Yes, sir, well acquainted with him.
Q You have heretofore testified in this case have you not? A Yes, sir.
Q Are you able to give the Commission any more information as to when Wesley Deere died? A I have found a record that shows when he died.

The witness presents a Day-book containing the record of the deaths of various people. On page 15 of said book an entry is found which is translated from the Creek Language by the Official Interpreter as follows:

"Nuyaka, I. T. Jan. 8th 1900
Wesley Deer died on this day."

- Q Who made this record? A Barney Marshall.
Q When was this record made? A I do not know when the record was made but it must have been made at about the time he died.
Q What object did he have in making this record? A Wesley Deere was a neighbor and a clan-kin of Barney Marshall. Barney Marshall, during his lifetime, kept that book which you have in which he recorded the births and deaths of people in his neighborhood.
Q Is Barney Marshall dead? A Yes, sir, he was killed.
Q Where was he killed? A He was shot at a Ball-game.
Q You stated in your testimony at Okamah, February 20, 1905, that Wesley Deere died before people began filing on their allotments? A I was under the impression at that time that he did die before people began filing on their allotments but the record shows that he died afterwards. I knew that he was making ready to take his allotment at the time he died but I did not think that people were making actual selection of land. On coming home I had a conversation with Thomas Scott about the case and he was of the opinion that he died after people began filing and on looking through the record book I discovered that was the case. Thomas Scott is an Indian preacher and belongs to Nuyaka Town.
Q How did you come in possession of this book (indicating the book containing the record of the death of Wesley Deere)? A The book was purchased by me and most of the entries therein were made by Barney Marshall at my request.
Q Do you hold any official position in the Creek Nation? A No, sir. I never have held office.
Q What reason had you for keeping this record? A For the use of the neighborhood. It is frequently consulted by members of my town and my immediate neighbors and has been useful in fixing dates.
Q Has any one else besides Barney Marshall ever made entries in this book? A Bunsey Field, William Stoddard and members of my family, also Charlie Key.

Q. How long have you had this book? A. I have probably had the book twenty years.

Q. Did Benney Marshall make the record of the death of Wesley Deere at your request? A. I do not now remember.

Q. Do you read and write Greek yourself? A. No, sir.

---0000000000---

I, W. C. Shaggs, do hereby state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 12th day of May, 1905.

W. C. Shaggs
Notary Public.

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Wesley Deere
(Here insert name of deceased.)
 a citizen of the Chick Nation, who formerly resided at or near
Okfuskee, Ind. Ter., and died on the 8th day of
January, 1899
(Here insert name of postoffice)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }

Western DISTRICT. }

I, Lucinda Humphreys, on oath state that I am 28
 years of age and a citizen, by Blood, of the Chick Nation;
 that my postoffice address is Try, Ind. Ter.; that I am
(Here insert name of postoffice.)
daughter of Wesley Deere,
(State relationship: the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by Blood, of the Chick Nation;
 and that said Wesley Deere died on the 8th day of
January, 1899.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Not a valid witness.)

Subscribed and sworn to before me this 3rd day of Jan, 1899.

E. A. S. S. S. S. S.
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }

DISTRICT. }

I, _____, on oath state that I am _____
 years of age, and a citizen by _____, of the _____ Nation;
 that my postoffice address is _____, Ind. Ter.;
(Here insert name of postoffice.)
 that I was personally acquainted with _____,
(Here insert name of deceased.)
 who was a citizen, by _____, of the _____ Nation;
 and that said _____ died on the _____ day of _____,
(Here insert name of deceased.) 1899.

WITNESSES TO MARK:

(Not a valid witness.)

Subscribed and sworn to before me this _____ day of _____, 1899.

Notary Public.

CREEK ENROLLMENT NO. 1079.

Memorandum.

Jan 19. 1907

It appears from the testimony in this jacket that an investigation has been conducted as to the date of the death of Wesley Deere, who appears upon field card number 1359 and whose enrollment, opposite number 4328, was approved by the Secretary of the Interior March 13, 1902. The weight of the testimony taken shows that Wesley Deere died subsequent to April 1, 1899. So far as the records in the jacket, on the docket of the case show, this matter has never been before the Secretary, but was held up for investigation upon the motion of this office. No notice has ever been given to the Creek Land Office to hold up allotment proceedings and, in fact, deeds were delivered to the chief in November, 1903.

There seems to be no reason why any report should be made in this matter or any action taken thereon as the enrollment has never been cancelled or reopened.

A.W.C.

I concur.
SM

RESIDENCE:

POST-OFFICE: Okfuskee, Ind. Ter.

Nation

Roll

CARD NO.

IP

FIELD NO. 1359

DAWES' ROLL NO.	NAME	Relationship to Person first Named.	AGE	SEX	BLOOD	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.		No.	Name of Father.	Year.		Name of Mother.	Year.	
1	Deere, Wesley		52	M	Full	1890	Okfuskee, D. T.	155	Cho Yarcholar	Dead	Okfuskee, D. T.	Arnisha	Dead	Arbikocher
2	, Melanie	Daughter	3	F					No. 1			Polle Deere	1890	Kuyaka
3														
4														
5														
6														
7	This card has been replaced													
8	in the Card File by a card													
9	bearing a similar Field Number													
10	and corrected in conformity to													
11	the information hereon.													
12														
13														
14														
15														
16														
17														
18														

No. 1 on 1890 Roll as Cho Emarthlar.
 No. 1 died January 8th, 1900
 No. 2 transferred to Card No. 150

Affidavit of No. 1 relative to the
 death of No. 1, dated December 18th, 1900
 is attached to Card 150.

From No. A 137.
 Jan'y 11th, 1900

CR EN 1080

CR EN 1080

11

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, October 16, 1906.

In the matter of an alleged application for the enrollment of JOSHUA GENTRY as a citizen of the Creek Nation.

APPEARANCE:

H. E. P. STANFORD appears as attorney
for the applicant.

JOSHUA GENTRY, being first duly sworn by Henry G. Mains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Joshua Gentry.
- Q How old are you? A I am somewhere in my forties, I can't tell.
- Q What is your postoffice address? A Jones City, Oklahoma.
- Q Have you ever personally or in any other manner, prior to the present time, submitted any application of any character to the Commission to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes for enrollment as a citizen of the Creek Nation? A Only till he made it out for me two years ago.
- Q What do you mean by that, who made it out, and what did he make out? A Made out application; never before the Commissioner here.
- Q Did you ever submit any petition or write any letters to the Secretary of the Interior with regard to your citizenship? A Yes sir.
- Q When? A I wrote in January—Christmas.
- Q This last Christmas? A Yes sir.
- Q What time do you mean, after last Christmas, or as late as Christmas? A It was before; directly after I moved up there.
- Q Was it near the middle of December, or the last part, or the first? A Christmas, somewhere along there, as far as I can remember.
- Q Did you receive an answer from the Secretary of the Interior? A Yes sir.

Joshua Gentry-----2

- Q Have you that answer with you? A No sir, my sister has that; I sent it up to her.
- Q Did you ever submit any petition, or write any letters to this office, either to the Commission or the Commissioner to the Five Civilized Tribes in this matter? A No, I never wrote any.
- Q Until last September, didnt you write one then, last month, to which you now present one from the Commissioner as an answer? A Yes sir.
- Q Have you ever taken any steps of any character prior to this time to procure your enrollment as a citizen of the Creek Nation? A I had him.
- Q Who do you mean, your attorney, Mr. Stanford? A Yes sir.
- Q Had him to what? A Had him to make out affidavit for me two years ago; a day behind- I was sick, when I got up to come up town to catch the train went up to see him about it and he called up here; told him I would be too late.

Statement by attorney for applicant.

On the second day of September the applicant, Joshua Gentry, came to my office and I informed him that he was too late to make an application to the Commission, after having telephoned to the Dawes Commission to get that information. I afterwards prepared an application verified by the affidavits of himself and his sister and forwarded it to the Secretary of the Interior. I received a letter from the Secretary saying that the matter had been referred back to the Dawes Commission. The Dawes Commission refused to hear the application and the matter was dropped.

BY THE COMMISSIONER to Mr. Stanford, the applicant's attorney:

- Q What time did you make those affidavits, did you forward that to the Secretary of the Interior? A It must have been in the fall of 1904, I think probably in the month of September or October.

Statement on behalf of the Commissioner.

There is found the petition accompanied by affidavits in behalf of Laura Gentry and Joshua Gentry, and of their brothers Bill Gentry and George Gentry, and their sister, Sue Gentry; said petition is not dated. The affidavits inclosed with it are dated October 19, 1904. H. E. P. Stanford appears as the Notary Public in said affidavits. The petition and affidavits are as one inclosure, and appear to have been received by the Department of the Interior November 19, 1904. Said inclosure is made a part of the record in this case.

Joshua Gentry-----3

BY THE COMMISSIONER:

- Q Do you know what year you were born in? A No sir, I couldn't tell you.
- Q Were you born during the time of the Civil war between the north and the south? A It was about the time; mother said I was seven years old she thinks when the war closed, six or seven years old, somewhere along there.
- Q What is the name of your mother? A Charity.
- Q Charity what? A Gentry.
- Q Is she living? A No sir, she is dead.
- Q When did she die? A She has been dead now for eight years.
- Q Where did she die? A Nashville, Tennessee.
- Q How long had she lived there before her death? A That was her home.
- Q Did she ever live in Indian Territory? A No sir, she never did.
- Q What is the name of your father? A Nelson Gentry, but his right name was Smith.
- Q Is he living? A No sir.
- Q How long has he been dead? A Been dead about-- he died in a hospital after the war ceased.
- Q Where did he die? A Tennessee.
- Q Where were you born, what state, Tennessee? A Yes sir.
- Q Then where did you go? A Came to Kansas, then to Oklahoma, came down here.
- Q How old were you when you went to Kansas? A Eighteen years old, eighteen or nineteen years old.
- Q How long did you stay in Kansas? I stayed in Kansas I think about eight years I guess.
- Q Then where did you go? A To Oklahoma.
- Q Been in Oklahoma ever since? A No I stayed here three years.
- Q What do you mean by here, Creek Nation? A Yes sir.
- Q When was that? A That was three years ago last Christmas.
- Q Three years before last Christmas you lived in Indian Territory, Creek Nation or what? A Creek Nation, Okmulgee.
- Q Did you ever draw any money from the Creek Nation? A No sir.
- Q Was any ever drawn for you? A I don't know.
- Q What Creek Indian town do you belong to, or do you claim to belong to any? A Tuskabatchee town.
- Q Had you ever been in Indian Territory prior to three years ago? A I was sent here to hunt me a location.
- Q I asked you if you had ever been here before three years ago? A Yes sir.
- Q When? A I was here about two years before I came to stay.
- Q Do you know if your name is on the Duan roll, or on any other roll of Creeks, either by blood or Creek freedmen? A Daddy he was a half-breed Indian.
- Q Indian by blood? A Creek Indian.
- Q Then if you have any claim at all you are claiming as a Creek by blood are you? A Yes sir.
- Q And through your father? A My grandfather was a full-blood.
- Q Through your father, if you have any right at all? A Yes sir.
- Q Don't claim through your mother? A No sir.
- Q And your father died right after the war? A Yes sir.
- Q Have you ever been admitted to citizenship by the Creek tribal authorities, or by the Dawes Commission under the Act of 1906, or on appeal from either of those two to the

Joshua Gentry-----4

- United States Court? A No sir.
- Q How old were you the first time you ever saw Indian Territory?
A Creek Nation.
- Q Any part of Indian Territory? A I dont know sir.
- Q Were you a grown man? A When I first seen the Creek Nation?
- Q When you first saw Indian Territory? A Yes sir.
- Q You were a grown man, of age were you? A Yes sir.
- Q What kind of blood did your mother have? A She was a colored woman.
- Q Negro? A Yes sir; wasnt all negro.

BY MR. STANFORD:

- Q What is your nearest relative that is on the Creek rolls that you know of? A Why my father I know was a half-breed.
- Q He wasnt on the roll was he? A No sir.
- Q What is the nearest relation that you know of enrolled as a Creek here? A Dont know as I could tell you.
- Q Do you know that your grandfather was on the roll? A Yes sir.
- Q What is his name? A Josh Smith.
- Q Where did he live? A He was born in Alabama, come here to the Creek Nation.
- Q When did he come to the Creek Nation? A I couldnt tell you; knew that he come; I was small.
- Q Where did he live here? A I couldnt tell you; I know my father always-- knew he was here, he was around here.
- Q Do you know anywhere near the time that your grandfather died? A Do not.

BY THE COMMISSIONER:

- Q About when did your grandfather die; he has not been living the last twenty years, has he? A No.
- Q Did he die before or after your father? A I couldnt tell you; he didnt know when he died his own self, my father didnt know his own self.
- Q Who is Laura Gentry; your sister? A Yes sir.
- Q Bill Gentry your brother? A Yes sir.
- Q George Gentry and Sue Gentry your brother and sister? A Yes sir.
- Q Any rights they would have are the same as yours? A Yes sir. We are all sisters and brothers.
- Q Has their residence been the same as yours; all lived the same place as you have? A Yes sir.

BY THE COMMISSIONER to Mr. Stanford, attorney for the applicant.

- Q Mr. Stanford, have you any further testimony to give in this case? A No sir, that is all.

Joshua Gentry-----5

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 15, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

Cora Moore

Subscribed and sworn to before me October 17, 1906.

Edward H. Harris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joshua Gentry, Laura Gentry, Bill Gentry, George Gentry and Sue Gentry as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on November 19, 1904, there was filed in the office of the Secretary of the Interior, in Washington, D.C. petition for the enrollment of Joshua, Laura, Bill, George and Sue Gentry as citizens by blood of the Creek Nation. The filing of said petition is considered as an application for the enrollment of said parties. Further proceedings in the matter of said application were had on October 16, 1906.

The evidence in this case shows that all of the applicants are brothers and sisters; that they claim their right to enrollment through the blood of their father, Joshua Gentry or Joshua Smith, who it is claimed, was a Creek Indian. That none of the applicants are full blooded Creeks and that none of them have resided in Texas.

It further appears from the evidence that none of said applicants were residents of the Creek Nation or the Indian Territory on June 28, 1898.

The evidence and the records of this office show that none of said applicants are on any of the tribal rolls of the Creek Nation.

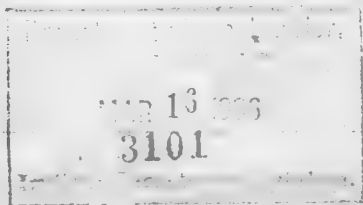
Section 21 of the Act of Congress approved June 28, 1898, (30 Stat. 495) provided in part as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship; Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."

It is, therefore, ordered and adjudged that there is no authority in law for the enrollment of Joshua Gentry, Laura Gentry, Bill Gentry, George Gentry and Sue Gentry as citizens by blood of the Creek Nation and their application for enrollment as such is accordingly denied.

I will enclose letter of
receipt of Mr. H. J. [unclear]
Washington D.C.
Respectfully and Sincerely
Yours

R.R. No. 2. Jones Thoma.
Alto will care
I have been
hoping all of you that you
be over come coming and
will give us a hand care at
Take action on one be
once and oblig



Jones & Son March 12, 1806.
Hon: Secretary:
Washington D.C.

Dear Sir:

Your letter dated
March 6, 1806. has received
today. And I will say in reply
I am in a little better yet I
am still short of Washington
D.C. have several to send
affidavits. And I will
enclose them to you. And I
trust that you will look in
to my case and give me my
justice, as you will see that
my affidavits were made on
after the rolls were closed.
I was in with the Chills
and fever and did not

get
after in time to see
State my business, and I have
then told you before it has late
being at least of my grandfather
And I The Roll.
do send say that you will
commit something for me as the
tribes coming of the - is coming
no new - in that he has
to pray to enroll men. I
up on that the good and from
just enough, if it is in your
place to give them - I will
I will be on Roll
about date to you again
Sister, take Affidavit of my
Correct Kaurah Haley, is that
her name as she is married
is changed.

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 4, 1906.

Joshua Gentry,
Route No. 2,
Jones, Oklahoma Territory.

Dear Sir:

Referring to your letter of September 29, 1906, you are advised that apparently the records in the possession of this office fail to show that an application was made within the time prescribed by law to the Commission to the Five Civilized Tribes, or to the Commissioner, for enrollment by or on behalf of yourself as a citizen of the Creek Nation.

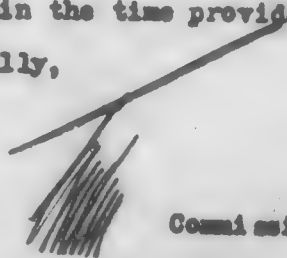
The Act of Congress approved April 26, 1906 (Public No. 129), provides in part as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: Provided, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner

to the Five Civilized Tribes show application was made prior to December first, nineteen hundred and five and which was not allowed solely because not made within the time prescribed by law."

Seemingly, the provision of law above quoted is determinate as to your alleged claim to enrollment as a citizen of the Creek Nation. If, however, you still desire to appear before the Commissioner, at his office in Muskogee, Indian Territory, you may do so on any date within a reasonable time, when sufficient testimony will be taken for the purpose of establishing whether any application of any character has been made for your enrollment as a citizen of the Creek Nation within the time provided by law.

Respectfully,



Commissioner.

INDEXED

No.

Dec 2

42757

OCT

1 1906

Gentry, Joshua,
Route 2, Jones, Okla.,
Sept. 29, 1906.

Relative to his application
for enrollment as a citizen of
the Creek Nation.

CREEK ENROLLMENT.

Jones ~~Wichita~~, Okla. Sept 27 1906

Com of the Five Civilized Tribes.

Dear Sir. Yours of Sept 22nd ^{Mustang, O.C.} received. I belong to the Creek Tribe, and I have sent my affidavit to the Secretary and he said he had forwarded it to you for approval. I had my application made out on the last day of the involvement. The reason I did not send it sooner, was because I could not get the money to pay the lawyer for the work, and he promised me to send it the day he made it out, which was the last day. Please do what you can for me and if you want me to come down I can explain it better to you. Yours truly
Joshua Gentry
Jones, Okla. Route #2.

14150 APR 21 1906

4-2-2

Gentry, Joshua,
Jones, O.T.,
March 12, 1906.

Transmits affidavits relative
to his right to enrolment.
as Creek.

CRIM.

Wm. H. H.

Department of the Interior,
SECRETARY'S OFFICE.

I.T.D. 3101-1906.

Department of the Interior,

..... *Apr 19*., 1906....

Respectfully referred to the
Commissioner to the Five Civil-
ized Tribes for consideration
and appropriate action.

Thos. Lynum
First Assistant Secy.

Department of the Interior
RECEIVED.
MAY 4 1906
Enc. No. 1 of No. 1000
Indian Territory Division.

Waskokoe, Indian Territory, April 26, 1906.

Joshua Gentry,

A. S. R. P. Co.,

Jones, Oklahoma.

Dear Sir:

Receipt is acknowledged of your letter of
March 12, 1906, in which you state that you were pre-
vented by sickness from making application before the
rolls of the Creek Nation closed; that you have been
advised by the Commissioner to the Five Civilized
Tribes that the rolls were closed and that he had
no power to place you on the rolls now.

NRH

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 26, 1906.

Joshua Gentry,

2 R. R. D.,

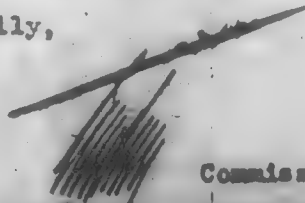
Jones, Oklahoma.

Dear Sir:

Receipt is acknowledged of your letter of March 12, 1906, in which you state that you were prevented by sickness from making application before the rolls of the Creek Nation closed; that you have been advised by the Commissioner to the Five Civilized Tribes that the rolls were closed and that he had no power to place you on the rolls now.

You are advised that it does not appear that application was made for your enrollment within the time prescribed by law and that this office is now without authority to receive or consider applications for enrollment as citizens of the Creek Nation.

Respectfully,



Commissioner.

INDEXED.

17000

5-22-06

Gentry, Joshua,
Jones, O.T.,
May 1, 1906.

Relative to his right to
enrollment as a citizen of the
Creek Nation.

17009

Department of the Interior,

MAY 4 1895

1895

Indian Affairs Division.

I will close hoping a
speedy answer
Respectfully,

Joshua Gentry.

R.R. #2 Jones Oklahoma

Department of the Interior,

..... May 7, 1906..

Respectfully referred to the
Commissioner to the Five Civ-
ilized Tribes for consideration
and appropriate action.

First Assistant Secretary.

Jones Oklahoma May 1. 1906.
Hon; Secretary:
Washington D.C.

Dear Sir:

I have a letter which I received from the Commissioner which I will enclose to you. He states that he has no authority to receive or consider application for enrollment as citizens of the Creek Nation. I wish you would please advise me what to do, or let me no if there is any chance for my enrollment at all. Can any objections be overcome, or can you give the Commissioner any power to enroll us if not with you would please do something for us.

2.
Please advise me what to do, if there can not be anything done for us write and let me no at once, and I will drop the matter. There would be no use to refer the matter to the Commissioner any more for it has been to him twice and he still is out of power.

I thought on the 4 day of Nov the Rolls were open again for enrollment please let me no if it is, and when it is open for let me no if it is necessary for to make out new applications, for the Commissioner say they were not made out in time prescribed by him.

Department of the Interior,
WASHINGTON

APR 30 1906

No. 4681

Indian Territory Division.

INDEXED.

COMMISSIONER TO

NO.

Received

5897

MAY 5 1906

Department of the Interior,

May 3, 1906.

Respectfully referred to the
Commissioner to the Five Civil-
ized Tribes for consideration
and appropriate action.

First Assistant Secretary.

McIntosh, Susie,
Muskogee, I.T.,
April 25, 1906.

wrap.

Application for enrollment
as a Creek Freedman.

COMMON ENCLOSURE.

Mayhew.

Madame Inf. Secretary
April 25 - 1906

To the Hon Secretary of the Interior
Washington D.C.

Sir,
I am applicant for Citizenship of
the Inf. Secretary as I have
my father James V. Henry who has
residence of the Inf. Secretary and
appear in the Gen. Roll of 1877
I am the daughter of Henry White
and will say that there was the
Inf. Secretary about 1879 given
to my father. I am my father and
not the other of all
and will certify for me

Let me hear from you
at your earliest convenience
My Post office address
is Care of N.Y.

Marie McIntosh

COMMISSIONER TO THE CREEK

No.

15346

Received

MAY 2 1906

5-22-06

Gentry, Joshua,
Jones, O.T.,
April 30, 1906.

Asks if there is any way by
which he may obtain citizenship
in the Creek Nation.

CREEK ENROLLMENT.

No ap -

May 1906

Jones Oklahoma April 30, 1806
Hon: Commissioner to the
Five Civilized Tribes.

Mustogee Ind.

Dear Sir:

I have received your
letter dated April 26, 1806. And
I feel very much displeased.
I do not think I am getting
my justice. I feel satisfied
that I have a wife in the
Creek Nation. And I do not
think it would be any more
than write for me to get my
wifes there. You say you
have no power to receive or
consider applications for enroll-
ment. I beg your pardon

15346

being placed on the rolls to let
me know and I would not
hurry their nation any
longer. I do not see why he
would ever then to God if he
were no good and you had
no power to enroll. He ought
to send them back to me.
Still you please let me know
what my affidavits are did.
The Secretary send them to
you. I will close hoping to
get an answer soon.
Respectfully

Joshua Gentry

R.R. #2

Jones Oklahoma.

Gr. Ex. 1000

Muskogee, Indian Territory, January 28, 1907.

Joshua Gentry,

James City, Oklahoma.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself, Laura Gentry, Bill Gentry, George Gentry and Sue Gentry as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.

Inc. 05-28-5

Cr. En. 1080

Muskogee, Indian Territory, January 28, 1907.

H. M. P. Stanford,
Attorney at Law,
Okmulgee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Joshua Gentry et al. as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Inc. CM-28-9

Cr. En. 1080

Muskogee, Indian Territory, January 28, 1907.

M. I. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Jeshua Gentry et al. as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Inc. CM-28-10

Gr.No. 1000

Washoe, Indian Territory, January 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Joshua Gentry et al. as citizens by blood of the Creek Nation, including the decision of the Commissioner, dated January 24, 1907.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Inc. CM-28-11

Refer in reply to the following:
Land 10240-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 28, 1907, transmitting the record relative to the application of Joshua Gentry et al., for enrollment as a citizens by blood of the Creek Nation.

On November 19, 1904, written application was made to the Department for the enrollment of Joshua, Laura, Bill, George and Sue Gentry as citizens by blood of the Creek Nation.

On January 24, 1907, the Commissioner held that the applicants were not entitled to enrollment.

The record shows that the applicants were not residents in good faith of the Creek Nation on June 28, 1898. It is also shown that the applicants are not enrolled as citizens by blood of the Creek Nation, nor were they admitted as citizens by blood of that nation by the tribal authorities, the Commission or the U. S. Court.

In view of the provisions of Section 21 of the Act of June 28, 1898 (30 Stat. L. 495) the decision of the Commissioner adverse to the applicants is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD:Y

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS

JP
FHE

March 1, 1907.

I.T.D. 4850, 4890, 4904, 4960, 4962-02.
4964, 5022, 5166, 5202, 5328- "
5342, 5374, 5376, 5378, 5380- "
5395, 5398, 5400, 5402, 5404- "
5410, 5424, 5418, 5424, 5428- "
5466, 5488, 5498, 5548, - "

D.C. 12430, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Rhoda Walker,	December 19, 1906
Josiah McIntosh,	January 18, 1907
Tony Harlings,	January 18, 1907
George Allen (Freedman)	January 28, 1907
Henry Edwards, (Freedman)	January 28, 1907
Lewis Davis, deceased,	January 28, 1907
Robert Scott, deceased,	October 19, 1906
Tom and Mattie Jeffries, deceased,	February 8, 1907
Ema Dodge, (Freedman)	February 8, 1907
Georgia Davis, deceased, (Freedman)	February 7, 1907
Thelma Maud Gibson,	February 7, 1907
Magie Wela Pee, (Freedman)	January 28, 1907
Nelson McIntosh	January 29, 1907
Galley Censar, deceased,	January 28, 1907
Sarah Buck, deceased,	January 28, 1907
Willie Perryman, (Freedman)	January 28, 1907
<u>Joshua Gentry et al.</u>	January 28, 1907
Dennis Taylor, (Freedman)	January 28, 1907
Paul and Pauline Bruner,	January 28, 1907
Gennie Sanders, (Freedman)	January 28, 1907
Bodie Levi, (Freedman)	January 28, 1907
Gabriel Hawkins, (Freedman)	January 28, 1907

-2-

Title of case.	Date of your letter of transmittal.
Lettie Dickson, (Freedman)	January 22, 1907
Charles Tiger, deceased,	January 29, 1907
Herford Barnett, deceased,	January 28, 1907
Gebern Holt, (Freedman)	February 7, 1907
Marguerite Scott, deceased, (Freedman)	January 31, 1907

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

27 inc. and 61 for Ind. Of.

AFMc
3-1-07

JWH

Dr. No. 1080

Muskogee, Indian Territory, March 2, 1907.

H. E. P. Stanford,

Attorney at Law,

Okmulgee, Indian Territory.

Dear Sir :

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Joshua Gentry, Laura Gentry, Bill Gentry, George Gentry and Sue Gentry as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

JWH

Cr. No. 1060

Muskogee, Indian Territory, March 8, 1907.

Joshua Gentry,

Jenks City, Oklahoma.

Dear Sir :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself, Laura Gentry, Bill Gentry, George Gentry and Sue Gentry as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1081

CR EN 1081

11

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, May 3, 1906.

In the matter of the application for the
enrollment of Irene Tucker as a Creek freedman.

SANDY TUCKER, being duly sworn, testified as follows:

- Q What is your name? A Sandy Tucker.
Q What is your age? A Forty five years.
Q What is your post office address? A Gibson Station.
Q To what Creek Indian town do you belong? A Arkansas .
Q What is the name of your father? A Sudon Tucker.
Q What is the name of your mother? A Rachel.
Q Did you have a woman enrolled with you on the roll as your wife
and what was her name? A Phoebe.
Q Were you married to her? A Yes lawfully married to her then.
Q Did you get a divorce? A Yes
Q Is she married since? A Yes
Q What is the name of her husband? A Kirby.
Q Where does she live? A Between the rivers. Three miles northwest
of Wybark.
Q Wybark her post office? A I suppose so.
Q Did you have a child by her enrolled? A Yes, sir.
Q What is its name? A Christine Tucker.
Q Who has the custody of it? A She has.
Q Have you a newborn child you want to apply for? A Yes
Q What is its name? A Irene Tucker.
Q Is it living? A Yes
Q What is the name of its mother? A Gallener.
Q Can you read and write? A I can read a little but not much.
Q Is she a citizen of any of the Five Tribes? A No, sir.
Q When was Irene born? A March 2, 1906.
Q How old is she? A I never kept count.
Q You don't know how old she is? A I never kept count.
Q How then did you keep count that it was born March 2? A I kept count
from the time it was born.
Q Then how old is it, without figuring can't you tell? A Its 2 months
old aint it.
Q Is there anything helps you to remember it was born March 2nd?
A From the time my wife was down.
Q Did you write down anywhere in a book the date of its birth? A No
Q Did you have a doctor when it was born? A Midwife was there.
Q What is her name? A Annie Pryor, my mother was there Caroline Poe.
Q These the only two persons when it was born? A Miss Pearce was there.
Q Do they all live near Gibson Station? A Yes
Q How long after the birth of the child before you saw it? A It wasn't
long.
Q Were you there when it was born? A I wasn't right there.
Q How long after before you saw it? A About a couple of hours
Q What day of the week was it born? A I disremember what day of the
week. I know it was the 2nd.
Q What time of the day? A In the night between 12 and 11 o'clock.
Q You don't know what day of the week it was and it is only a short
time ago? A I never put down what day it was.
Q You didn't put down anything? A I knew it was the second day.
Q How do you know it? A After it was birthed I came over here to town
to get some things.
Q What did you come to get? A Some clothes.
Q Where did you buy those? A Chandler--I trade there.

-2-
Q Near Broadway and Main? A Yes there is where I trade.
Q What did you buy? A I bought her a pair of shoes and stockings.
Q Did you pay for them or were they charged? A They were charged I guess. I made an account there for \$40. I trade there.

The witness is advised that this office requires the affidavit of the mother of this child and of the midwife in attendance at its birth? A I will bring that in.

We will also require a copy or the original of your marriage license and certificate.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this
14 day of May 1906.

H. H. Harris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
OCTOBER 5, 1906.

N.B.F. 18.

In the matter of the application for the enrollment of
Irene Tucker as a Creek Freedman.

Appearances, John G. Lieber, acting for M. L. Mott,
attorney for the Creek Nation.

Anna Prior, being first duly sworn by Henry G. Hains, a
Notary Public testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Anna Prior.
- Q: How old are you Anna? A: In fifties somewhere, I don't know how old I am I was 5 years old when they surrendered.
- Q: What is your post-office address? A: Gibson Station.
- Q: Are you a citizen of the Creek Nation? A: No sir.
- Q: A State woman? A: Yes sir.
- Q: Do you know Sandy Tucker and Carlana Tucker? A: Yes sir.
- Q: How long have you known them? A: I don't know sir, 5 or 6 years, I don't know.
- Q: How close do you live to them? A: I live now about 4 or 5 miles I reckon.
- Q: How close did you live to them last spring? A: The same.
- Q: Do you know a child of theirs by the name of Irene Tucker?
- A: I didn't know what its name was I waited on her for her child last March sometime.
- Q: Was it a boy child or girl child? A: A girl child.
- Q: You acted as midwife did you not? A: Yes, I waited on her.
- Q: Who else was present besides you and Carlana? When that child was born? A: This lady who is with me now, I forget her name---Tennessee Pearson she was with me.
- Q: Who else? A: I think that is all. Mrs. Pearson and her mother. And her sister was with me.
- Q: Whose sister? A: Carlana's sister was with me.
- Q: She was there when the child was born? A: Yes sir.
- Q: How when was that child born? A: It was born in March sometime, I don't know the exact time but it was in March.
- Q: How do you happen to remember that the child was born in March, Anna?
- A: How does it happen that I remembers it, because she had me engaged before. I was staying at home waiting for her and my husband came by and said Carlana was kind a poorly and I said, Sandy said she wouldn't get down until March and I think it was 4 or 5 days in March before she got down.
- Q: Then you think it was 4 or 5 days in March before the child was born?

Questions
by Mr. Lieber

- A: Yes somewhere along in there, I didn't keep any count, I never keep any count of dates about a child.
- Q: Now do you remember what day of the week the child was born on? A: I believe it was on Saturday, I don't know sir, but I think it was on Saturday.
- Q: You think it was on Saturday? A: I think it was on Saturday.
- Q: Now how long did you stay there at the house after the child was born? A: I stayed there through the night until the next morning and I went home the next morning, and 4 days afterwards I went back and dressed the baby, and I didn't go back any more after I dressed the child.
- Q: How long did the child live Anna? A: It lived to be 3 or 4 months or 5 months old, it was a great big child.
- Q: Is it living or dead? A: It is dead.
- Q: Now the day after the child was born you went back home? A: Yes sir, the next day.
- Q: Now do you remember what day of the week it was when you went back home? A: No sir, I don't remember but I think the child was born on Saturday night, I think.
- Q: The next day after that you went back home? A: Yes sir.
- Q: Do you remember that the day you got back home was Sunday? A: It was raining and so cold and I was mad anyhow I didn't pay much attention, but I think it was on Sunday, I think it was on Sunday evening me and her mother went home. I never took any notice of it I waited on the child.
- Q: What is the name of Carlana's mother? A: Old man Poe's wife.
- Q: Is it Carlana Poe? A: Yes, I think her name is Carlana.
- Q: Where do they live? A: West of me about a mile. Carlana Poe is her name.
- Q: Did you wait on anybody else there just before or just after this child was born, Auntie?
- A: Yes but she was a state woman.
- Q: What was her name? A: Her name was Lissie something, her husbands name was--- I don't know her husband's name.
- Q: Did you wait on her before or after Sandy Turner's child was born? A: About a week.
- Q: Well can't you state to the Commissioner exactly how long it was before Sand'y's child was born that you waited on this woman, Lissie? A: No sir, I didn't take any count of the time, I just go wait on them and go back home, I didn't take any notice how long it was.
- Q: But you think it was a week?
- A: Well I think it was a week, well it was longer than a week. I never thought anything would come up about it, I never took any note of it.
- Q: Do you think it was as much as two months before that?
- A: No sir.
- Q: How far does this woman Lissie live from where you live?
- A: She didn't have any husband, she is gone.
- Q: Do you know where she is now? A: No sir, I don't know where she is, she didn't have any husband.
- Q: Do you know of anyone who could tell us where she is?
- A: No sir, I don't. She is just a know woman in the country there.
- Q: Did she take the child with her when she left? A: Yes sir.
- Q: You don't know where she is now? A: No sir she left the country, I don't know where she is she went off with another man.

- Q: Do you know the name of the fellow that she went off with?
A: No sir.
- Q: Do you remember whether or not Lizzie's child was born in February or March? A: Oh that was before March, Lizzie's child was born before Carlana's, the week before.
- Q: Do you remember whether it was in February or March?
A: Oh it was in February before March.
- Q: You are sure of that are you? A: Yes sir, I waited on her before I did on Carlana.
- Q: Are you sure her child was born in February? A: Yes sir.
- Q: What makes you remember that her child was born in February?
A: Well because I was looking for Carlana, and this woman had asked me to wait on her and I was looking for them both at the same time. They always gives me notice.
- Q: Have you any writing or memorandum of any kind that would help you in getting at the birth of Sandy Turner's child?
A: This woman out here can tell you the very day because she has an almanac she keep account of it on account of Carlana asking her what day of the month it was.
- Q: This woman out here? A: Yes sir, Carlana asked her what day of the month it was. I will tell it like it was. She didn't want to get down in the full of the moon, that is the reason she inquired what date it was.
- Q: Do you remember whether it was the full of the moon?
A: No sir, I don't know nothing about the moon, if I could read I could tell you.
- Q: What did you mean by getting down, that she didn't want the child born in the full of the moon, is that what you mean? A: Yes sir.
- Q: This woman you refer to about having looked at the almanac is this Tennessee Pearson? A: Yes sir.
- Q: What time of the day or night was this child born, that is Sandy's child, Aunty? A: It was born as near as I can remember---what time does this train come from Wagoner---coming this way at night?
- Q: About 7 o'clock. A: Well that is about the time, when that train comes in.
- Q: What train do you mean, the Katy or the M. O. & G.
A: The Katy train.
- Q: The Katy train comes in about 9 o'clock.
A: That is about the time then.
- Q: You are certain it was before midnight? A: Yes sir.
- Q: Yes sir sometime between sundown and midnight.

Questions by Commissioner:

- Q: Are Carlana and Sandy married? A: I don't know, they said they was.
- Q: Were you present when this child died? A: No sir.
- Q: Do you know where it is buried? A: It is buried at Tom Grayson's graveyard.
- Q: Where is that? A: It is just on the other side of where they live at.

Tennessee Pearson, being first duly sworn, by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Tennessee Pearson.
Q: How old are you? A: 38.
Q: What is your post-office address. A: Gibson Station
Q: Are you a state woman? A: Yes sir.
Q: Do you know Sandy Turner? A: Yes sir, I know him when I see him, he lives up there by my house.
Q: Do you know whether he is married or not? A: No sir, I do not.
Q: Do you know a woman named Carlona Turner? A: Yes sir that is the woman he called his wife.
Q: Were you present at their house when a child was born this Spring? A: Yes sir.
Q: Do you know the name of that child? A: Yes sir, Irene Turner.
Q: Is that child living? A: No sir.
Q: When did it die? A: It died in August sometime.
Q: How old was it when it died? A: Well I don't know exactly how old it was.
Q: Were you present when it died? A: No sir I wasn't present when it died but I went up there a few minutes after it died, I dressed it.
Q: Where is it buried do you know? A: Yes sir on Tom Grayson's land.
Q: Near Gibson Station? A: Near where I live.
Q: Do you know whether there is any mark on the grave as to how old it was when it died? A: Yes I reckon there is I seed there was writing on the board but I didn't notice anything about its age how old it was.

Questions by Mr. John G. Lieber, acting attorney for Creek Nation.

- Q: Were you present when the child was born? A: Yes sir.
Q: Who else was there besides you? A: This lady who was in here with me today, Annie Prier and her sister and her mother.
Q: Whose sister? A: Carlona's.
Q: What is her name? A: Nancy Wilson.
Q: Carlona's mother was also there? A: Yes sir.
Q: What is her name? A: Her name is Carlona, I believe. Carlona Poe.
Q: Do you know what day of the week that child was born on? A: Yes sir.
Q: What day was it? A: It was born on Saturday night.
Q: Do you mean between Saturday night and Sunday morning? A: No sir, I mean before midnight, it was born about 10 o'clock Saturday night as near as we could guess at it, they didn't have any clock.

- Q: The next morning was Sunday Morning? A: Yes sir the next morning was Sunday morning.
- Q: Do you know what day of the month it was born on?
- A: It was born on the 10th. day of March.
- Q: How do you happen to remember that the child was born on the 10th. day of March? A: Well I will tell you why, she was expecting to be confined and she didn't have any almanac and she aimed to be confined on the full of the moon, and I said you will sure be at that time, and that was the morning the child was born on that night, I heard about her being sick and I went home and I noticed the almanac and I said the moon ~~ix~~ fulls today and that was the 10th. and so off and on when we were together when I had the baby in my lap I said, well the little baby will be such and such a month old, I said on the 10th. and she said well sir, you know its age better than I do, that is how I come to know it.

(Attorney for Creek Nation desires to call attention to the almanac or calender for March 1906 for the purpose of showing that the 10th. of March was on Saturday and that the moon was full on that date, the 10th)

- Q: Now Mrs. Pearson did you have anything that happened along about the 4th. of March that makes you remember the 4th. day of last March? A: Yes sir.
- Q: What was it? A: Pearson, he is my husband had a hog missing on the 3rd. day and on Sunday he found it, or thought he had and I wrote that down in the Almanac, I wrote the 4th. of March down so he wouldn't forget it, that is how I happened to remember the 4th. of March.
- Q: Now was this child of Sandy's born at that time or latter?
- A: No sir it was born latter, it couldn't be born on the 4th. and 10th. too, it was born on the 10th.
- Q: You are satisfied of that? A: Yes sir, I know it of course I am satisfied of it I know it was born on the 10th. and that was on Saturday night and you know the moon fulls on the 10th. I will not forget that this time next year unless I lose my mind.
- Q: Are you on friendly terms with Sandy and his wife?
- A: Yes sir, I is.
- Q: You are appearing her as a witness in this case upon a subpoena issued by the Commissioner, are you not?
- A: Yes sir. There never was a cross word between me and the Tuckers folk.

Questions by Commissioner:

- Q: You are close and good friends are you? A: Yes sir we live close by and they are considered neighbors.
- Q: When Sandy came in here to make application for this child he made an affidavit and gave some testimony, at the close of this testimony he was told to furnish the affidavit of his mother and the midwife and also a copy of the marriage license showing his marriage to Carlena, did you hear about that? A: No sir, I did not.
- Q: Do you know why he has not furnished that proof we told him to? A: No sir they never have said anything to me.
- Q: Haven't they said anything about the enrollment of this child, whether they were going to try to give it up or not?

-4-

A: Not before yesterday, he said something to me after this man was there, (this man was out there when I was there) (Witness refers to Mr. Walkup) He said then he wasn't going to have anything to do with it, but he had never said a word to me about putting in his application or nothing.

Questions by John G. Lieber, acting attorney for Creek Nation:

- Q: Why was it you wrote down this 4th. day of March in the almanac? A: I wrote it down because Pearson missed his hog on the 3rd. and on the 4th. he found it or thought he had, he lost the hog, the boys fed it on Saturday night and it got out and on Sunday he looked for it and found it and that was on the 4th. and so he wouldn't forget the date he found it if he had to have a law suit over it he ~~just~~ had me put it down, but that don't concern the child.
- Q: When you wrote that 4th. of March down because you thought he might have a law suit over that hog and he might forget the date and you wanted him to remember that date?
- A: Yes sir, that is just why I wrote that down.

This is all the evidence taken in said cause on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval.

Subscribed and sworn to before me
this 9th. day of October, 1906.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
OCTOBER 8, 1906.

N.B. P. 18

In the matter of the application for the enrollment of
Irene Tucker, as a Creek Freedman.

APPEARANCES: John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

Carlana Tucker being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:-

- Q: What is your name? A: Carlana Tucker.
Q: How old are you? A: 24
Q: What is your post-office address? A: Gibson Station.
Q: Are you a State woman? A: Yes sir, I am a State woman.
Q: Not a citizen of any of the 5 Tribes? A: No sir, not at all.
Q: Are you married? A: Yes sir.
Q: What is the name of your husband? A: Sandy Tucker.
Q: Is Sandy a Creek Freedman? A: Yes sir, he is a Creek Citizen.
Q: What is the name of his father? A: Well I couldn't tell you because his father and mother died before I came to this country, I never has seed them.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Did you have a child born to you sometime last Spring by the name of Irene Tucker? This last gone Spring? A: Yes sir.
Q: Was it a girl child? A: Yes sir.
Q: You named it Irene? A: Yes sir.
Q: Is that child still living? A: No sir, she is dead.
Q: When did that child die? A: In August.
Q: This last gone August? A: Yes sir, I think it was in August, let's see.
Q: On what day of the week was that child born? A: Well that is why I came, to correct my mistake, I don't know what day of the week or the date of the month it was born on, I was sick, I was lingering and I was sick and couldn't get around and couldn't keep account well during my sickness but during the week---it was somewhere in the second week but what day of the week it was I couldn't tell.
My husband you know wasn't home when my baby was born and him coming home and not knowing and I being sick, I told him it was born on the 1st. or 2nd. and I made a mistake and he came right in and put it down, that is the way I made a mistake in telling him.
Q: How old was the child when he came home and first saw it?
A: Well I couldn't tell you because I had such a long spell of sickness and was sick most of the time, and my memory was so very short.

- Q: Was it a week or 2 weeks old? A: It wasn't quite a week old, it was born in the second week you know. it wasn't a week old.
- Q: Do you know on what day of the week it was born?
- A: It was born on Saturday night.
- Q: You are sure of that, are you? A: Yes it was in the second week.
- Q: Did Anna Prior wait on you when your child was born?
- A: Yes sir.
- Q: She saw the child shortly after it was born, didn't she?
- A: I remember she came there that night but how long she stayed I couldn't tell you, of course I was awful sick, I couldn't remember anything that night.
- Q: She had seen you before that time, hadn't she and talked with you? A: Oh yes she had seed me because we stays close neighbors there.
- Q: You are frequently with her, are you?
- A: Yes, tolerably frequently.
- Q: Well now then you say this child was born the second week of March and you say it was born on Saturday? A: On Saturday night.
- Q: Do you mean by that, that it was born the second Saturday night in March? A: Yes sir, the second Saturday night. because I couldn't remember any in my right mind until the next day which was Sunday.
- Q: Are you positive that child was not born the first Saturday in March? A: Well that would make it the 1st. week. No sir as near as I can come to my recollection and count, it was born in the first week in March I wants to get it as near as I can.
- Q: What kind of moon did we have at the time this child was born? A: Well I don't know anything about the moon at all that was the midwife talking about the moon, I don't know what difference it makes in the moon at all.
- Q: Well don't you know whether we had full moon, or last quarter or 1st. quarter?
- A: No sir, if I had known the date of the month I could tell but I didn't have any almanac at that time---but I couldn't tell you what moon it was on unless I had the almanac and to tell what day it was.
- Q: But you are positive that the child was born the second Saturday night in March? A: Yes sir, it was the second week in March, not the first as near as I can count it.
- Q: And you are positive it was born on Saturday night?
- A: Yes sir, because when I came to my recollection that morning it was Sunday.
- Q: Now the second Saturday night in March was the 10th. day of March as shown by the calendar, now was the child born the 10th. day of last March? A: It was born the second Saturday in March.
- Q: You are sure of that? A: Yes, but what day of the month I couldn't swear to because I don't know, I just have to take what the people tells me about it.

Questions by Commissioner:

- Q: You are positive then that this child was not living on the 4th. day of March was it---not born yet on the 4th/ of March, because that is the first Saturday in March?

- A: No, it wasn't born on the first Saturday in March.
Q: And if your husband came in here on the 3rd. day of May and executed an affidavit stating the child was born on the 2nd. day of March and also testified to that effect, that was a mistake was it? A: Yes sir, surely was a mistake.

SANDY TUCKER being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Sandy Tucker.
Q: How old are you? A: 45 years old.
Q: What is your post-office address? A: Gibson Station.
Q: Are you a Creek Freedman enrolled here? A: Yes sir.
Q: Are you the identical Sandy Tucker who appeared here on the 3rd. day of May and made application for the enrollment of Irene Tucker? A: The same darkey sir.
Q: What is the name of your father? A: Sutin Tucker.
Q: What is the name of your mother? A: Racheal Tucker.
Q: Have you a child by Phoebe Tucker? A: Yes sir.
Q: What is the name of that child? A: Christian.
(Witness is identified as Sandy Tucker opposite Creek Freedman Roll number 3627.)

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Sandy what is your purpose in appearing here before the Commissioner today? A: Mr. Lieber I came over here today to correct my mistakes I made here before the Commission.
Q: In what respect? A: Why in stating here---why, I put the child's name on the second day of March, through a mistake you know.
Q: You are speaking now of your child Irene? A: Yes sir.
Q: Do you mean you stated to the Commissioner before---in your affidavit---that the child was born on the second day of March, 1906? A: Yes sir.
Q: What correction do you desire to make now Sandy with reference to the date of that child's birthday?
A: I am not making any at all, because you know I wasn't there I wasn't at home Mr. Lieber, any more than what my wife told me.
Q: Well can you tell the Commissioner now when that child was born? A: No sir, I wasn't at home I told you. I was over on this side of the river, I wasn't there to ever watch the midwife at all.
Q: Then the testimony you gave in this matter on the 3rd. day of last May, was given entirely from information that your wife had given to you was it? A: Yes sir.
Q: And not from what you knew yourself? A: No sir.
Q: It wasn't information that you knew yourself?
A: It was from my wife, she told me.
Q: Sandy do you know what week in March that child was born?
A: No sir, Mr. Lieber, I couldn't tell you.
Q: Do you know when you returned home from this side of the river? A: I returned Sunday, I got home Sunday morning.
Q: How old was the child then? A: It was born on Saturday night.
Q: Well did you return home the very next morning after it was born? A: Yes sir.

- Q: How long had you been away from home? A: 3 days.
- Q: Do you know what time in the month it was when you left home? A: No sir, I never kept any account at all.
- Q: Do you know what month it was when you left home?
- A: It was in March.
- Q: How far along in March was it when you left home? A: I left home the second week you know. I suppose it was on Thursday.
- Q: And you got back the next Sunday? A: Yes sir.
- Q: Well do you know whether it was the 1st. day of March when you left home? A: It couldn't be, because it was on Thursday when I left home.
- Q: Now the first day of March was on Thursday, do you remember whether it was on the 1st. Thursday in March you left home or the second Thursday?
- A: It might have been the second Thursday, I didn't keep account but I know I left home on Thursday.
- Q: Do you remember what kind of a moon we had at that time? whether it was a full moon, first quarter or last quarter?
- A: To state the honest truth I was busy on some other business I never paid any attention to it, I hardly ever stays at I was over here working.
- Q: What were you doing over here?
- A: I came over here to see Mr. Chandler.
- Q: Did you buy anything from Mr. Chandler while you were over here? A: I don't remember.
- Q: You say you came over here to see Mr. Chandler? A: Yes sir
- Q: Did you have some kind of an agreement with Mr. Chandler or make a contract with him or anything like that?
- A: He furnished me.
- Q: Is that the time you made a contract with Mr. Chandler to furnish you at that time? A: It was after that I came over here to see him, after I made the contract with him.
- Q: Did you come over to borrow any money from Mr. Chandler last Spring and give him a note?
- A: No sir, I didn't borrow any money at all, all my trading was on Commission.
- Q: Well when you made your contract with him for furnishing you this year, you gave him a note and a mortgage didn't you? A: Yes sir.
- Q: Do you know how much that was for? A: Yes sir, \$40.
- Q: Now then did you give him that note and mortgage before that child was born or after it was born? A: Before it was born. That is right, that is the truth.
- Q: How long, Sandy before the child was born?
- A: It was a week afterwards.
- Q: The child was born the week after you gave the note and mortgage? A: Yes sir.

Questions by Commissioner:

- Q: If you ~~had~~ only knew about the birth of this child from what your wife told you, how does it come in making May you came over here and made out an affidavit and also gave testimony and pay you knew it was born on the 2nd. of March
- A: I was taking her word for it.
- Q: She actually told you it was the second and since that time she has told you it was wrong? A: Yes sir, she sure did ~~she said if it was right, she didn't want the land.~~
- Q: But you stated in that testimony that you got there a few hours after it was born---a couple of hours---did you mean in the next day?

- A: I got there on Sunday morning, Mister.
- Q: You are now persuaded that this child was not born on the 2nd. but in the 2nd. week at least? A: That is what they tell me.
- Q: That is all the knowledge you ever have had or that you ever knew from what they told you? A: Yes sir.
- Q: And this affidavit saying March 2nd. and your previous testimony saying that it was the 2nd. of March, is all a mistake founded on the mistaken information your wife gave you at that time? A: Yes sir.
- Q: Why did she do that? A: Why she told me it was wrong?
- Q: Why did she make the mistake? A: I don't know sir.
- Q: Has she got a good head, good sense? A: She has got a learning.
- Q: Wasn't out of her head when she told you the 2nd. day of March, was she? A: Well she was in bed sick.
- Q: Since she had come to her senses she has been her mistake has she? A: She said she is wrong and is sorry of it.
- Q: And that is the purpose of her coming in and your coming in today, to correct that mistake is it? A: Yes sir, we come in to correct it.

Frank H. Walkup, being first duly sworn by Henry G. Haines, a Notary Public in and for the State of Texas, testified as follows:

Questions by Commissioner:

- Q: State your name, age and post-office address and occupation?
- A: Frank H. Walkup--Muskegee, Indian Territory, I am investigating fraudulent Creek cases for the Creek Attorney.

By John G. Lieber, acting attorney for Creek Nation.

- Q: Mr. Walkup did you recently make an investigation with reference to the enrollment of a child of Sandy Tucker? And Phoebe Tucker? A: Yes sir.
- Q: In the course of your investigations did you make an examination of the records of the Chandler Mercantile Company of this city? A: Yes sir.
- Q: State to the Commissioner what if anything you found on their records with reference to any transaction had with Sandy Tucker in March of this year?
- A: The books of the Chandler Mercantile Company show that on March 8, Sandy Tucker executed a mortgage and gave his note for \$40.00.

This is all the evidence given in said cases on said date.

I, Julia G. Leavel on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cases on said date.

Julia G. Leavel

Subscribed and sworn to before me this 16 day of October, 1906

Edward H. Herring
Notary Public

En. 1081.

J.L.De.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Irene Tucker, as a Creek Freedman.

DECISION.

The record in this case shows that on May 3, 1906, application was made, in affidavit form, supplemented by oral testimony on said date and by further testimony on October 5, 1906, and on October 8, 1906, for the enrollment of Irene Tucker, as a Creek Freedman, under the provisions of the Act of Congress approved April 26, 1906.

It appears from the weight of the evidence filed in this matter that said Irene Tucker was born March 10, 1906.

The Act of Congress approved April 26, 1906 (34 Stat. L. 137) in part provides:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section, illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

It is therefore ordered and adjudged that the said Irene Tucker is not entitled to enrollment as a Creek Freedman, and the application for her enrollment as such, is accordingly denied.

 COMMISSIONER.

Muskogee, Indian Territory,

JAN 14 1907

7324

REFER IN REPLY TO THE FOLLOWING:

Pr. No. 1001.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Mustang, Indian Territory, February 17, 1907.

Carlona Tucker,

c/o Sandy Tucker,

Gibson Station, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of your minor child, Irene Tucker, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,



Commissioner.

IN-89.

Cr.En. 1081.

Muskogee, Indian Territory, January 17, 1907.

M. L. Nott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Irene Tucker, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-90.

Cr.Mn. 1041.

Muskogee, Indian Territory, January 17, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of of Irene Tucker, deceased, as a Creek Freedman, including the decision of the Commissioner, dated January 14, 1907, denying said application.

Respectfully,

Commissioner.

LM-91.

Through the Commissioner
of Indian Affairs.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington. February 21, 1907

LAND
6306-1907.

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes dated January 17, 1907 transmitting the record relative to the application made on May 3, 1906 for the enrollment of Irene Tucker, deceased, as a Creek freedman. On January 14, 1907, the Commissioner held that the applicant was not entitled to enrollment.

It appears from the weight of the evidence in this case that the applicant was born on March 10, 1906.

Under the provisions of the Act of April 26, 1906, (34 Stat 137), the applicant is not entitled to enrollment.

It is therefore recommended that the decision of the Commissioner adverse to the applicant be approved.

Very Respectfully,

C. F. Larrabee,

Acting Commissioner.

J.P.B.-NL.

J.P.
FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 4854, 4888, 4898-07
4908, 4908, 4912-4914-0
4916, 49 18, 4936, 4938-0
LRS. 4842, 4910, 4900, -0

February 23, 1907.

DIRECT

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Louisa Martley, (Freedman)	December 13, 1906.
Effie May Splawn, et al, (Freedmen)	January 19, 1907.
Zepherina Rose, (Freedman)	January 19, 1907.
Thomas Thomas, deceased,	January 19, 1907.
Yah-pah-ney, deceased,	January 18, 1907.
Irene Tucker, deceased, (Freedman)	January 17, 1907.
Owens Fleming, (Freedman)	January 19, 1907.
Willie Lindsey, deceased,	January 18, 1907.
Manoche (or Mandoches) and Indie Johnson,	January 19, 1907.
Annie Malone, (Freedman)	October 13, 1906
Henrietta Hollands (Freedman)	December 13, 1906.
Wichel Hadrick,	January 10, 1907.
Reuben Humphreys, et al, (Freedmen)	January 17, 1907.
Alice Humphreys, (Freedman)	January 19, 1907.

Copies of Indian office letters submitting your reports
and recommending that the decisions be affirmed, are inclosed.
A copy hereof and all the papers in the above-mentioned cases
have been sent to the Indian Office.

Respectfully,

A.F. No.
1-1-07.

James H. Wilson.

Assistant Secretary.

14 inc. and 28 for Ind. Of.

1091
Gr. En. 1028

JWH

M B F 18

Muskogee, Indian Territory, March 8, 1907.

Sandy Tucker,

Gibson, Indian Territory.

Dear Sir :--

You are hereby advised that under date of February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your deceased minor child, Irene Tucker, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1082

CR EN 1082

N.B.F. (4/14/06) No. 66

En. L

Bertha Boyce

N.B.F. # 66,

137

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
MAY 9, 1906.

In the matter of the application for the enrollment of
Bertha Boyce as a Creek Freedman.

Lizzie Boyce being duly sworn, testified as follows:

- Q What is your name? A Lizzie Boyce.
Q What is your post office address? A Wybark.
Q What is your age? A 21.
Q How were you enrolled? A Lizzie Lester.
Q What Creek Indian town do you belong to? A Arkansas.
Q What is the name of your father? A Eamon Lester.
Q What is the name of your mother? A Lucy Lester.
Q Is she the midwife in this case? A Yes sir.

Witness is identified as Lizzie Lester opposite Creek
Freedmen Roll No. 2027.

- X
Q Is the name of the child Bertha? A Yes sir. Bertha Boyce.
Q That's the child you have in your arms? A Yes sir.
Q Is it a girl? A Yes sir.
Q When was it born? A 5th of March, 1906.
Q How old is it? A About two months old.
Q Is it exactly two months --- is it over or less than two months?
A Over two months.
Q How much over? A It was two months old the 5th of this month.
Q Do you know what day of the week it was born? A No sir.
Q Don't know what day March 5th was? A No sir.
Q Is there anything that helps you to remember that it was the
5th of March? A No sir, I don't know what happened on that day.
Q Did you write it down? A Yes sir.
Q What did you put in down in, Bible or what? A No sir, it wasn't
the Bible. I didn't write it myself, my husband wrote it down.
Q What did he write it in with pen or pencil? A Pencil.
Q Did you ever see that entry? A Yes sir.
Q Does it say Bertha Boyce born March 5, 1906.
Q Is there anything else on that page or is that the only thing?
A Yes sir. There's other things written down on that page.
Q Does it say Bertha Boyce was born March 5, 1906? A Yes sir.
Q Is that the last thing on the page? A Yes sir.
Q You haven't that book with you? A No sir.
Q Was this child born in the day time or night time? A Day time.
Q What hour? A Nine o'clock in the morning.
Q Of March 5th? A Yes sir.
Q What is the name of the child's father? A Brooks Boyce.
Q Is he a non-citizen? A Yes sir.
Q Have you two children that were enrolled under the last act?
A Yes sir.
Q What are their names? A Clarence and Jimmie Boyce.
Q Are you positive Bertha was born March 5? A Yes sir.
Q Of this year? A Yes sir.
Q And you are positive it was two months old the 5th of this month?
A Yes sir.
Q What is the name of the midwife or doctor that attended you at
the birth? A Lucy Lester.
Q Your mother, Lucy Lester? A Yes sir.

Lucy Lester, being duly sworn, testified as follows:

Q How old are you Lucy? A I don't know, about 29 or 30/
Q What is your post office address? A Wybark.
Q Is this your daughter here, Lizzie Lester? A Yes sir.
Q Did she marry a man named Brooks Boyce? A Yes sir.
Q Did you attend her when the child was born? A Yes sir.
Q What day was it? A I don't know what day it was.
Q How old is that child? A About two months old.
Q Is she under or over two months? A I don't know.
Q She says it was born March 5, 1906, is that correct you think?
A Yes sir.
Q Do you think she knows what day the child was born, Lucy?
A She ought to know she can read and write, and I can't.
Q Have you received any of these yellow notices here? A Yes sir.
Q Did you read it? A I can't read.
Q Did someone read it to you? A The neighbors had some, but I haven't had time to fool with them, I can't read anyhow.
Q Did you ever hear that Brooks Boyce had written the date of the birth of the child down somewhere? A I don't know.

Lizzie Boyce, being recalled, testified as follows:

Q Have you received any of these yellow notices about enrollment?
A No sir.
Q Haven't you seen any of them? A Yes sir.
Q Did you read it? A I saw one this morning, but didn't have time to read it.
Q Has anyone talked to you about it? A Yes sir, I heard people talking about it.
Q That hasn't influenced your giving the date of the birth of the child anyway, has it? A No sir.
Q If you hadn't seen or heard of any of these notices you would have given the date just the same, March 5, 1906, would you?
A Yes sir.
Q You are sure this child is two months old? A Yes sir. Two, months old the 5th of this month.
Q Two months old the 5th of this month? A Yes sir.
Q Born nine o'clock in the morning? A Yes sir.
Q Did you have a doctor besides your mother, the midwife?
A No sir, not until about a week after.
Q What was his name? A Butler.
Q Of Wybark? A No sir, Muskogee.
Q How long after the birth of this child was it that Brooks Boyce wrote it down in this book you speak of? A I don't know.
Q Was it the same day? A I don't know.
Q When was the first time you ever saw that entry? A The baby was about a month old when I seen it.
Q Were you sick long when you had this child? A Yes sir.
Q How long before you got up from bed? A Three weeks, not quite three weeks.
Q Couldn't read and write, can you? A Yes sir.
Q Know the days pretty well? A Yes sir.
Q What day is to-day? A Thursday.
Q You don't know that very well, to-day is Wednesday. What day of the month is today? A I don't know.
Q Do you know what month this is? A Yes sir.

Q What? A May.

Lona Merriek, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merriek

Subscribed and sworn to before me this 9th day of May, 1906.

H. Hains

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 10, 1906.

No. 137

In the matter of the application for the enrollment
of Bertha Boyce as a Creek freedman.

LIZZIE BOYCE, being duly sworn, testified as follows:

Q What is your name? A Lizzie Boyce.

Q What is your age? A Twenty one.

Q What is your post office address? A Wybark.

Q Did you come in here yesterday and make out an affidavit and give testimony about your child Bertha Boyce? A Yes, sir.

Q At the same time Lucy Lester, your mother and the midwife, made an affidavit? A Yes, sir.

Q Yesterday you and the midwife both signed an affidavit that this child was born March 5, 1906 and is two months old and both of you gave testimony to the same effect. You further stated that the child was two months old on the 5th of May now you introduce a book with the following entries: The Story of South Africa on a blank page is written Clarence Boyce born May 11, 1904; Jimmie Boyce February 16, 1903 and Birthia Boyce born February 5, 1906. Who wrote this in here?

A My husband., Brooks Boyce.

Q Did you see him write this entry about Birthia Boyce? A No, sir I didn't see him.

Q Is this correct in the book? A Yes, sir.

Q What did you mean by signing an affidavit and giving testimony yesterday not only stating the child was born March 5, 1906 but also stating specifically that it was two months old the 5th of the month.

A Why if it was born March 5 it would have been 2 months old May 5th.

Q What did you mean by doing that if the entry in the book is correct?

A I just made a mistake in the date.

Q Are you sure that you were wrong and the book right? A Dr. Butler has the book showing when he came to see me when I was sick.

Q Have you got his record or is he here? A No, sir.

The witness is advised that we would like to have this doctor come in with his book. A My husband is not here either.

Witness is further advised that we desire to have the husband who did this writing come in here with this bookz (The writing is all in pencil and the last entry appears to have been written since the others).

Q Do you know that this Birthia refers to the one you call Bertha Boyce? A Yes, sir

Q You were asked the question yesterday "Is it exactly two months or over two months" your answer was "over two months, it was two months old the 5th of this month.

Further hearing in this case was had this 11th day of May 1906.

LIZZIE BOYCE BEING duly sworn testified as follows:

Q What is your name? A Lizzie Boyce.

Q Did you bring that book back today? A No, sir

Q Why didn't you? A Because I left the book over here.

Q You didn't leave the book here, you were given it and told to bring it and your husband in today. Now you bring your husband without the book.

A Yes, sir.

-2-

BROOKS BOYCE, being duly sworn, testified as follows:

Q What is your name? A Brooks Boyce.

Q What is your age? A Thirty four.

Q What is your post office address? A Wybark.

Q Are you a citizen of any of the Five Tribes? A No, sir

Q Just a colored man? A Yes, sir.

Q What is the name of this child this woman has here? A Bertha Brooks.

Q Can you read and write? A Yes, sir.

Q How do you spell Bertha? A B-e-r-t-h-a- is the way I spell it.

Q When was she born? A February 5th

Q What year? A 1906.

Q Did you write down in a book " The Story of Southern Africa" something about this child? A I put the date it was born.

Q We had it here yesterday and it was spelled BIRTHA, what do you mean by that? A I made a mistake in the spelling.

Q When did you write that? A The day it was born.

Q You are positive you wrote it the day it was born? A Yes, sir

Q You didn't make the entry about Jimmie and Clarence at the same time? A They were already there.

Q Will you swear positively that you didn't write that entry about Bertha Boyce within the last week? A I wrote it the first day she was born.

Q Will you swear positively that you wrote that the day it was born and not within the last week? A The very day she was born.

Q Why then if that entry was there and true and was written the day it was born did your wife come in here day before yesterday and swear positively that this child was born March 5, 1906, do you know? A She told me she said March 5 and I told her when she came home that it was a big mistake, that it was February 5.

Q Why did she also on the same day besides signing an affidavit saying February 5 say that it was exactly two months old the 5th of this month? A I couldn't say.

Q Is she crazy? A She is supposed to have good sense. She made a mistake like a good many other people.

Q It is possible a person would make a mistake in writing the day of the month but it isn't reasonable to suppose that she would state that it was two months old the 5th of this month also, is that reasonable? A I couldn't say it wasn't.

Q It doesn't look like a mere mistake but like gross carelessness or an intention to defraud? A If it had been born March 5 it would have been two months old May 5th.

Q She was asked carefully 2 or 3 times about this and she gave it March 5 and said it was 2 months old and not 3. Now it is an important thing the date of this child's birth and its age. People might make a mistake in giving the month but not in giving the age. How old do you say this child is? A Born February 5th.

Q You were not asked when it was born but how old it is? A It is three months and five days old.

Q Why did you first give the month instead of telling how old it is? A I went back to the day it was born.

Q Isn't it a fact that you found out that it had to be born before March 5th in order to be entitled and so fixed it up? A No, sir

Q Isn't it a fact that you have learned it wouldn't be entitled if it was born March 5th? A No, sir I don't know anything about that at all.

Q Why didn't you answer right off when I asked you how old it was? A It isn't any difference is it.

Q What day of the week was this child born? A Monday morning I think.

Q What hour? A About nine o'clock. I am not sure it was Monday.

Q What makes you think it was Monday is that your best recollection?

A I say I am not sure but I think it was Monday morning.

Calendar consulted for the year 1906 and it appears that March 5, 1906 was Monday and that February 5, 1906 fell on Tuesday.

E.T.BUTLER, being duly sworn, testified as follows:

Q What is your name? A E.T. Butler.

Q What is your age? A 38

Q What is your post office address? A Muskogee.

Q What do you know about the birth of Bertha Boyce? A I was called over there to see her on February 7th and this child was then two days old. I was called to treat the mother.

Q Have you your book with you? A At the office.

Q You understand the nature of an oath do you? A Yes, sir.

Q You know the penalty for false swearing? A Yes, sir.

Q These people have given different dates and it is a very important matter.

The doctor goes for his book and the mother is recalled.

Q Now Lizzie how does it come that you signed an affidavit giving the date of birth of this child as March 5, 1906, how do you explain that? A Because I made a mistake in the month

Q How does it come when you were asked slowly and carefully how old the child was you stated it was two months and five days old? A Because from the 5th of March to the 5th of this month would be two months.

Q Then when you were asked how old it was you were trying to figure from that 5th of March? A Yes, sir.

Q Don't you know how old that child is without stopping to figure?

A No, sir I don't keep no count of her age only by being set down.

Q What day of the week was this child born do you know? A No, sir.

Q Born in the morning was it? A Yes, sir.

Q What hour? A About nine o'clock I guess.

Q Isn't it a fact that it is easier to remember the age of a child than to remember the day it was born on? A No, sir.

Doctor returns with book. There is presented in evidence for inspection a book marked 1906 Day Book Dr. Butler. There is no writing on the blank page in front; no writing on page one. On page 2 begin certain items dated January 24.

On page 4, January 28, on page 5 & 6 nothing, page 7, February 6, 1906 and on page 8 February 7, 1906, appears: Weds Lucy Luster, Wybar -daughter- Dr. \$7.00--cash \$2.00. Immediately following is Thurs. Feb. 9 Lucy Luster, Wybar, one visit, daughter, \$7.00, by cash \$2.00 Friday Feb. 10th an item about Mrs. Givens, Saturday 11, an item about Lucy Luster and other writing on that page.

Q Now this first entry you say is February 7 and charged to Lucy Lester? A Because she called me.

Q For this woman? A I always charge my accounts to the person who calls me over the 'phone and her mother paid me \$2. cash. She also called me for Mrs. Givens another daughter.

Q Then the next item is marked Thursday February 9th? A Just a mistake you notice when I got down there I quit marking the day of the week.

Q Did you make a mistake in the day of the week or month? A Day of the week.

Q The 11th of February isn't Saturday but Monday, the 10th wasn't Friday but Sunday and the 9th of February wasn't Thursday but Saturday

A It was the 7th I was there.

Q How do we know you didn't make a mistake in the day of the month instead of the day of the week if that is the way you keep books?

A It was the 7th of February.

Q What did you go to visit her daughter for? A She had given birth to a child and was having child bed fever. The child was two days old.

Q How do you know the child was two days old? A It was a little child wasn't over two days old, the cord hadn't come off yet.

Q Did you write this in here yourself? A Yes, sir.

Q You say when you got through with this page, you put down the day of the month and discontinued putting down the day of the week because you saw you had made a mistake? A Yes, sir and I think there is some other place over here that is the same way.

Q Did you ever go back to that house? A I was back there several times. I was back there the last time the Sunday after the first visit.

Q You didn't keep very good books when you have the dates two or three days off, how can we go by a record like that? A I am telling you like I know.

Q What day did you go there to see her first? A I can't say because the record is wrong there in the beginning and I noticed it and stopped.

Q From your recollection what day of the week was it that you went there and they told you the child was two days old? A The last visit I made over there was on Sunday and I don't think I charged her anything for that visit. The last time was Sunday; I made four visits.

Q When was the first time you went and they told you the child was two days old? A The first visit was on Wednesday I think it was.

Q That is your best recollection? A Yes, sir that is my best recollection. I won't be sure whether it was Wednesday or Thursday but it was on the 7th of February.

Q But you don't know what day of the week it was? A Since the record is wrong there I won't say, but it was the 7th of February.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this
12 day of May 1906.

Herb Harris
Notary Public.

En.1082 .

JLDe.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Bertha Boyce, as a Creek freedman.

D E C I S I O N .

The record in this case shows that on May 9, 1905, application was made, in affidavit form, supplemented by oral testimony, and by further testimony on May 10, 1906, for the enrollment of Bertha Boyce, as a Creek freedman.

It appears from a preponderance of the evidence introduced herein, that Bertha Boyce was born February 5, 1906, and that she is the child of Brooks Boyce, a non citizen, and his wife, Lizzie Boyce, who is identified as Lizzie Lester, roll No. 2027, on the approved roll of Creek freedmen, and ~~that said applicant was living March 4, 1906.~~

The Act of Congress approved April 26, 1906 (34 Stat. L. 137) provides in part as follows:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee or Creek tribes, or have applications for enrollment pending at the approval hereof..."

It is, therefore, ordered and adjudged that the said Bertha Boyce is entitled to enrollment as a Creek Freedman, in accordance with the provisions of the Act of Congress above quoted and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory,

FEB 13 1907

COMMISSIONER.

66 Mother's roll F. 2027

190

IN RE #137

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Bertha Boyce

as a citizen of

CREEK

Nation.

Approved..... 190...

Commissioner.

MAY 9 - 1906

...W BORN

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CREEK Nation,
 of Bertha Boyce (Here insert name of child), born on the 5 day of March, 1906.
 Name of Father: Brooks Boyce a citizen of the U.S. Nation.
 Name of Mother: Lizzie (en Lester) a citizen of the Creek Nation.
 Tribal enrollment of father: Tribal enrollment of mother: Arkansas.
 Postoffice: Wybark, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District. } child present

I, Lizzie Boyce on oath state that I am 21 years of age and a citizen by adoption of the Creek Nation; that I am the lawful wife of Brooks Boyce, who is a citizen, by U.S. Nation; that a female child was (Male or Female) born to me on 5 day of March, 1906; that said child has been named Bertha Boyce is now living, being two months old. and was living March 4, 1906.
Lizzie Boyce

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 9 day of May, 1906.

Henry L. Haines
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Western District. }

I, Lucy Lester a midwife, on oath state that I attended on Lizzie Boyce wife of Brooks Boyce on the 5 day of March, 1906; that there was born to her on said date a female child; that said child is now living and is said to have been named Bertha Boyce being two months old.
Lucy Lester
 mark

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 9 day of May, 1906.

Henry L. Haines
 Notary Public.

Mr. S. G. G.

Mr. S. G. G.
and the law has
written a note

attention is called to
mistake in reading
notation on 3 of 10th
Sept was Monday - 11th
was Wednesday instead
Tuesday was Thursday

It gives a reason
why the law
testimony of the mother
the only reason for
delaying the trial. It
gives explanation of the
mistake in not of
unreasonable with
possibly a design upon
the record 1871.

2-13-07

Have read decisions and evidence carefully. I find a mistake in note about February 5 falling on Tuesday, and this makes the enrolling idea stronger. Notice that the mother swears that the doctor did not come till about a week after, whereas his book entry purports to be as of Feb'y 5 and Feb'y 7- However as a decision denying is irrevocable, maybe it is best to enroll now and investigate later. As against them however, I myself made the original affidavit and would not have taken testimony except to avoid possibility of mistake. Note that affidavits and testimony both state two months old & the latter even says

"was two months old the 5th of this month" - May. Nothing could be stronger and we must consider the woman went back and told her husband March 5, and he, the witness said "you made a mistake". However, Walrus, while working for Lieber, worked this up in the field and thinks it was born February 5th. The mother has been tried in Court, Mr. Hinkle says, and the women are not very bright on dates. I lean towards the temporary enrollment, but advise, if denied, that the lengthy discussion of the evidence contained in the first decision be sent to the Secretary along with a provisional schedule if he reverses me.

This is a tough case. I feel certain that the child was not born on or prior to March 4th and yet I am loath to write it out. Please look the case through once more.

Refer in reply to the following

And

DEPARTMENT OF THE INTERIOR

1894-1907.

OFFICE OF INDIAN AFFAIRS

WASHINGTON

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Hixby dated February 21, 1907, transmitting the record relative to the application for enrollment of Austin Kennard, as a citizen by blood of the Creek Nation, including the decision of the Commissioner dated February 20, 1907, adverse to the applicant.

The decision of the Commissioner have been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

JPB-GH

LRS

DEPARTMENT OF THE INTERIOR
WASHINGTON.

JP

FHB

I.T.D.
6128, 6180, 6690, 7009, 7288-07.
7338, 7412, 7434, 7444, 7500-"
7590, 8636, 7676, 7712, 7746-".

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek enrollment cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Sarah Ann Turner and Dugan Root, deceased,	February 18, 1907.
G. D. Farrar, et al., (Freedman)	February 12, 1907.
Havard Luckey (Freedman)	February 14, 1907
Simon Harjo et al.,	February 19, 1907
Minnie Davis (Freedman)	February 18, 1907.
Harjoche,	February 21, 1907
Frank Brown,	February 2, 1907.
Caesar Sandridge, deceased, (Freedman)	February 19, 1907.
John Shelby Johnson,	February 23, 1907
Mollie Colbert, et al., (Freedman)	February 16, 1907
Minnie Evans (Freedman)	February 19, 1907
<u>Austin Kennard,</u>	February 21, 1907
Gains Medlock, et al.,	February 23, 1907
Jeffrey Gough deceased, (Freedman)	February 25, 1907
Bee Dorcas, et al.,	January 18, 1907.

Copies of Indian Office letters submitting your reports
and recommending that the decisions be approved, are inclosed.

A copy hereof and the papers in the above mentioned cases
have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

15 inc. and 32 for Ind. of.
with copy hereof.

WBF 3/4/07.

Cr. 1182.

Muskogee, Indian Territory, March 11, 1907.

Mary Kennard,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March, 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child Austin Kennard, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1083

CR EN 1083

DEPARTMENT OF THE INTERIOR,
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
 Muskogee, Indian Territory, May 12, 1906.

In the matter of the application for the enrollment of Adline Richard deceased as a Creek freedman.

JENNETTA RICHARD, being duly sworn, testified as follows:

- Q What is your name? A Jennetta Richard.
 Q What is your age? A Twenty three.
 Q What is your post office address? A Redbird.
 Q Are you a citizen of the Creek Nation? A Freedman.
 Q What is the name of your father? A James Samuels.
 Q What is the name of your mother? A Rebecca Bruner.
 Q Have you a child enrolled with you? A Yes.
 Q What is its name? A Jimmie.

Witness is identified as Jennetta Richard opposite Creek freedman roll No. 4572.

- Q Do you understand the nature of an oath? A Yes.
 Q Do you know the penalty for false swearing? A Yes.
 Q How many children have you had? A I have had three.
 Q What is the name of the eldest? A Jimmie, Elzora.
 Q Is Jimmie living? A No, sir.
 Q When did he die? A I have got when he died on a roll book at home but disremember what time he died. My husband knows.
 Q How long did he live, how old when he died? A I don't know sir. I forget but I think he was over two years old. I have it down at home.
 Q Is Elzora living? A Yes, sir.
 Q Her name is Elzora Richard? A Yes, sir.
 Q Do you know the date of birth of Elzora Richard, what year? A Born in March, I don't know—I forget but I think 1902 or 1903.
 Q Is she living? A Yes.

JIMMIE RICHARD, is enrolled opposite No. 4573.

ELZORA RICHARD, is enrolled opposite No. 51031.

- Q You have had another child since those three? A Yes, sir.
 Q What is its name? A Adline.
 Q Can you read and write? A A little.
 Q How do you spell Adline? A A-d-l-i-n-e.
 Q Adline Richard? A Yes, sir.
 Q When was she born? A February 19, 1906.
 Q Is she living? A No, sir she died in March.
 Q How old was she when she died? A One month and one day old.
 Q How many days old when she died? A One month and one day.
 Q I asked you how many days old? A I don't know.
 Q What day of the week was she born? A I disremember.
 Q Did you have a doctor or midwife or both when Adline was born? A Had a midwife.
 Q What was her name? A Cinda Bruner.
 Q What is Cinda's postoffice address? A Porter.
 Q Was anybody else present when the child was born? A Yes my sister was there.
 Q What is her name? A Lucy Bruner.
 Q What is her post office address? A Redbird.

Q Anybody else? A No, sir.
Q Your husband wasn't there? A Yes, sir.
Q What did you mean by saying nobody else? A I thought you meant somebody else.
Q Did you have a doctor wait on you any time close to the birth of this child? A No, sir.
Q Did you make any record of the birth of Adline in a book? A Yes, sir I have it down.
Q In what? A Got it down on a book at home.
Q What kind of a book? A Just a little day book we have.
Q Did you write that yourself? A No, sir.
Q Who did it? A My husband.
Q What is his name? A Dennis Richard.
Q Is he a citizen of any of the Five Tribes? A Yes, sir
Q What? A Chickasaw freedman.
Q Do you know how long after the birth of the child that he wrote that in there? A No, sir I don't know how long it was.
Q You have seen it have you? A Yes, sir.
Q What does it say? A It just states what day the child was born.
Q Tell me the words if you can? A He put her age down in a book.
Q Can you tell the words. There can't be many words tell as near as you can? A Adline Richard was born February 19, 1906.
Q Is that written in pen or pencil? A Pencil.
Q Black pencil? A Yes, sir.
Q Anything else on the same page with that entry? A No, sir.
Q When was the first time you saw that; how long after the birth?
A I guess it was about a week after.
Q When did Adline die? A She died in March.
Q I asked for the date? A She lived onemonth and one day.
Q Do you know what day in March she died? A I think it was along about the 20th.
Q You don't remember the day of March it died, 1, 5, 10 or what? A I know she lived a month and oneday but just what day I forget.
Q Did you have a doctor in its last days? A No, sir I never had a doctor.
Q Who was present when the child died, tell all the people? A There wasn't any one there but just me and the little girl.
Q Did any one help you bury it? A Yes, sir.
Q Name some of those people? A My father.
Q What is his name? A Jim Samuels.
Q Any one else? A My brother Willie Samuels, and several more people.
Q Did you buy any burial clothes? A No, sir.
Q Just put it in the ground without any box? A I had clothes for it.
Q Didn't you put any box around it? A They put it in a little box.
Q Where did they get the box? A They got it out home, I forget the man's name that made the coffin.
Q Do you know what day of the week she died? A It was in the night.
Q Monday or what day? A I don't know.
Q Did they bury her the next day after she died? A The next day.
Q Do you know what day of the week that was? A I did know but I disremember. I was kind of sick.
Q Can you tell the name of any white person who ever saw this child?
A Aint no white families live close there.
Q You don't know the name of any white person who ever saw the child?
A No sir I didn't take it out where white folks was.
Q If it should be found that this child is entitled to rights in either the Creek or Chickasaw Nation do you elect to have it enrolled?
A In the Creek.
Q Did you receive one of these yellow notices? A No, sir.
Q Have you heard about the last act of Congress the provisions about the enrollment of children, when the must be living to be enrolled? A No, sir.
Q Never talked it over? A No, sir.

DENNIS RICHARD, being duly sworn, testified as follows:

- Q What is your name? A Dennis Richard.
Q What is your age? A Thirty three.
Q What is your post office address? A Redbird.
Q Are you the husband of this woman? A Yes
Q How many children have you had by her? A (after counting) Five aint it.
Q Name them? A James, Elzora, Adline, Gertie and Adline again.
Q Are they all the children of this woman? A All by this woman.
Q Which one is the oldest? A James
Q What year born? A August 1899.
Q Is he living? A Dead.
Q How long did he live? A I disremember.
Q The next one? A Elzora.
Q What year born? A I disremember.
Q I didn't ask the day of the month I just asked the year? A I disremember.
Q Living? A Yes.
Q What is the name of the next? A Adline if I aint mistaken.
Q Is she living? A Dead.
Q What year born? A Adline born 1905 if I aint mistaken.
Q What month? A I believe it was January.
Q How long did she live? A Something like a month anda half.
Q Any application ever made for her either in the Chickasaw or Creek Nations? A Affidavit made in the Creek.
Q Sent in here? A I think I did; if I aint making any mistake.
Q What time was that affidavit made? A I disremember.
Q Which was born first Adline or Gertie? A I can't remember just exactly. Jimmie was the oldest, Elzora next, Adline is next if I aint mistaken, then Gertie and then Adline again.
Q I will ask you again what year was that first Adline born? A I got them down but I disremember exactly. I have the dates down they were born and died and I think Adline was born in 1904.
Q You say the next is Gertie what year was she born in? A I think it was last year Gertie was born.
Q You mean 1905? A 1905 or 1904 one.
Q Is Gertie living? A Dead; all dead but one that is Elzora.
Q How long did Gertie live? A She was a year and something very near when she died.
Q This one you are applying for now when was she born? A February 19; if I am not mistaken.
Q Can you read and write? A Yes
Q How do you spell Adline this last one? A A-d-l-i-n-e-
Q How many days did she live? A She lived a month and a day, if I aint mistaken.
Q I will ask you again and I want you to listen: how many days did Adline live? A I think the 19th she was born and the 20th she died.
Q I will ask you the third time can you tell me how many days she lived? A Just count it.
Q I will ask you the fourth time and tell you I don't want the day of its birth and death ? How can itell if I don't count it.
Q I asked you to tell how many days she lived? A To my remembrance it was 31 days, 31 or 2 days.
Q How is that fixed in your mind, anything help you to remember. A One thing helps me to remember; she was born the 19th and died the 20th of the next month.
Q And that makes you think it lived 31 or 2 days? A Yes, sir.
Q Do you know what day of the week it was born? A No, sir.
Q Know what day of the week it died? A No, sir
Q Know what day of the week it was buried? A No, sir
Q You say you have this written down? A Yes, sir

Q You wrote it yourself? A Yes, sir.
Q In a day book? A Yes, sir if I aint mistaken we have it on a family record.
Q The entry about this child you are applying for now Adline is that on a page by itself? A No, sir with the others.
Q Is it the last entry on the page? A The last one on the page.
Q Also an entry about the death on that page? A I have it written down but don't know whether it is on the same page or not.
Q Do you know who buried the child? A A whole lot of us buried it.
Q Who made the coffin? A I bought the coffin.
Q Where did you buy it? A I bought the first coffin and let me see did I buy that coffin or have it made. O'Neal made the coffin or Samuels, I bought one coffin for Gertie and the other I had it made.
Q I am asking you about the coffin for the last one? A I don't know whether I bought it for the last one or had it made.
Q Is your recollection of the date of the birth and death of this last child Adline you are applying for any better than your recollection of the birth and death of the others? A I haven't one any more than the other. I have it all down.
Q You are advised that you should com in here with that book in which you have written the dates of birth and death of your child.

JENNETTA RICHARD RECALLED.

Q When I asked you how many children you had you said three is that true? ANo, sir you began to talk and I forgot.
Q There is no occasion to be excited. How many did you have? A Five.
Q What is the name of the oldest? A Jimmie, Gertie, Adline.
Q Who was next to Jimmie? A Elzora.
Q What was the name of the next? A Gertie.
Q Are you sure of that? A Yes, sir.
Q Who next? A Adline.
Q Name the next? A Adline.
Q Had two children by the same name? A Yes, sir.
Q Are you sure that Gertie was older than Adline? A Yes, sir.
Q You are advised that you and your husband should return here at an early date with that book in which he has written down the dates of birth and death of the children.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before
me this 18 day of May 1906.

Anna Garrigues

H. H. Hayes
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 15, 1906.

In the matter of the enrollment of Gertie Richard(roll N.F.152)and of Adaline and Adline Richard as Creek freedmen.

DENNIS RICHARD, being duly sworn, testified as follows:

- Q What is your name? A Dennis Richard.
Q What is your age? A Thirty three.
Q What is your post office address? A Muskogee.

Witness presents a picture entitled "Not lost but Gone Before"at the bottom of which and printed the words & No Cross, no crown" and quotations from the bible and a blank space in the center of which are the following entries.

D. Richard was born Chickasaw Nation, Pickins Co. A.D.1874, married A.D.1899 October the 18th J.E.Richard was born in the Creek Nation A.D.March 12, 1880. James Richard was born Aug th 13 A.D.1899/. Elzora Richard was born Mar th 6 1902. Adline Richard was born Jan th 19, 1903. Geirty Richard was born Jan th 11, 1904. Adline Richard was bond feb th 19 1906.

(Witness) I want to correct youin one place when we was married. I understood you to say October '99, it was '98, October when we married.
Q So then this record you present this picture is mistaken? A Our marriage is mistaken.

Q You made a mistake in the year then? A Yes I made a mistake in that.
Q This record also says Elzora Richard was born March 6, 1902, is that correct? A That is correct.

Q The records of this office show that Elzora Richard was born March 6, 1901we have as proof of that your own affidavit made out before W.S.Boren a Notary Public. Is that your signature? A That's mine. I signed that.

Q Do you see the 1901 in there? A I see it.

Q Which is correct, the affidavit you made out before Mr. Boren in 1902 stating the child was born in 1901 or this picture which says 1902? A I wouldn't say. I have a book one of those little ledgers that I have been accustomed to keep cotton in and I had the ages down in there and I couldn't find that book so I didn't bring it. The dates are down in there correct.

Q But one, this picture or the affidavit is wrong? A Yes

Q This picture says Adline Richard was born Jan 19, 1903 and we have the sworn affidavit of Jennetta Richard that the child was born Feb. 19, 1903? A That picture is bound to be correct.

Q Do you know which is correct? A The picture.

Q And you think Jennetta was mistaken? A You had her scared.

Q She made this out last year? A I don't know.

Q One or the other is mistaken? A Bound to be a mistake, both couldn't be correct if they don't correspond.

Q Now on this page written here when did you write about the last Adline? A I wrote it right after the child died. It was in the month of March but I don't remember the day. I just put down the dates of birth.

Q Did you put down the dates of death in that other? A No, sir I haven't anything by that description.

Q You say you wrote this last entry about the birth of Adline, when did you write it? A Toward the latter part of March.

Q Can you tell how long the child had been dead when you wrote it? A It hadn't been dead very long, right close to a week; don't know whether a week exactly.

Q You were asked in your previous testimony in this case to state as near as you could the number of days that this child lived and you said 31 or 2, do you still think that is right? A Yes, sir.

Q How do you figure that? A Its just about 31 days born 19th and died 20th, that would make it 31 or 2 days.

Q Do you know how many days in a month? A Some time I do, some months 31, or 30, some 28 or 29.

Q Are you sure the child lived as much as 30 days? A I am pretty sure it did--from the 19th to the 20th.

Q From the 19th of Feb to the 20 of March is that bound to be 31 or 32 days? A I presume from the 19th to the 20th is 31 days.

Q So when you were asked the number of days all you said was to think 19 and 20th? A You asked me how many days and I told you 31 or 32 days; from the 19th to the 20th of the next month I presume would be 31.

Q How would it be if February only had 28 days? A That would make it 29 days.

Q How many days did last February have? A I disremember how many 28 or 29; I wasn't thinking about carrying only 28 days at the time. I just said from the 19th to the 20th of the next month was 31 or 2 days. I called it a month and a day old all the time.

Witness is advised to appear again with that other book and with the man who made the coffin or from whom it was bought? A. It was made. And any other witnesses who can testify as to the date of birth and death of this child.

Picture returned.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 18 day of May 1906.

W. H. Hays
Notary Public.

Ex. 1083.

J.L.De.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Adline Richard, as a Creek Freedman.

DECISION.

The record in this case shows that on May 11, 1906, application was made, in affidavit form, supplemented on May 12, 1906, and on May 15, 1906 by oral testimony, for the enrollment of Adline Richard, as a Creek Freedman, under the provisions of the Act of Congress approved April 26, 1906.

It appears from the evidence filed in this matter that said Adline Richard was born February 19, 1906, and was living March 4, 1906. It also appears that applicant is the child of Dennis Richard, a Chickasaw Freedman, and Jennetta Richard, whose name appears opposite number 4572, on the approved roll of Creek Freedmen, and that applicant is the second child of said parents to bear the name of Adline.

The Act of Congress approved April 26, 1906 (34 Stat. L 137) in part provides:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother and allotments shall be made to children so enrolled."

It is therefore ordered and adjudged that the said Adline Richard is entitled to enrollment as a Creek Freedman, in accordance with the provisions of the Act of Congress above quoted and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory,

COMMISSIONER.

January 15, 1907

Father Chick Jr.
Mokas roll #54572

IN RE 194

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 22, 1908

Adrian Richard

as a citizen of

CREEK Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

MAY 11 1908

COMMISSIONER.

NEW BORN

ACT OF CONGRESS APPROVED APRIL 22, 1908.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 23, 1906.

IN THE APPLICATION FOR ENROLLMENT, as a citizen of the... **CREEK** Nation,
of Adeline Richard, born on the 19 day of Feb'y 1906.
(Here insert name of child)
Name of Father: Dennis Richard a citizen of the Chickasaw Nation.
Name of Mother: Jennetta a citizen of the Creek Nation.
Tribal enrollment of father: Tribal enrollment of mother:

Postoffice Redbird

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
..... Western District.

I, Jennetta Richard, on oath state that I am 23 years of age and a citizen by adoption, of the Creek Nation; that I am the lawful wife of Dennis Richard, who is a citizen, by adoption, of the Chickasaw Nation; that a female child was born to me on 19 day of February, 1906; that said child has been named Adeline Richard, and was living March 4, 1906, and died March 20 - 1906.
Jennetta Richard

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 12 day of May, 1906.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
..... Western District.

I, on oath state that I attended on wife of on the day of; that there was born to her on said date a child; that said child was living March 4, 1906, and is said to have been named.....
(Male or Female)

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this day of 1906.

Notary Public.

CR EN 1084

CR EN 1084

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 14, 1906.

242

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En.1014

In the matter of the application for the enrollment
of Joe Bishop as a Creek freedman.

EMMA BISHOP, being duly sworn, testified as follows:

- Q What is your name? A Emma Bishop.
Q What is your age? A About 26 or 27, I don't know exactly.
Q What is your post office address? A Muskogee.
Q How long have you lived here? A I don't live right in Muskogee.
Q How long have you lived at your present home? A I couldn't exactly
tell how many years but a long time.
Q Ten years? A Over ten years.
Q Are you married now? A Yes.
Q Are you a citizen of any of the Five Tribes? A No, sir.
Q Just a negro woman? A Yes.
Q What is the name of your father? A Tom Perkins.
Q What is the name of your mother? A Annie Perkins.
Q Have you ever been out of the Creek Nation to live? A No, sir.
Q Been here ever since you were born? A Ever since I was a child.
Q Where did you live before you lived out here close to Muskogee? A
At Eufaula.
Q And where before that? A In Augustine Texas.
Q Are those the only two places in the Creek Nation you have ever
lived? A Yes, sir.
Q You are sure of that? A Yes, sir.
Q Ever live in the Cherokee Nation? A No, sir.
Q Can you read and write? A Not much; a little.
Q How do you spell your first name? A Emma.
Q You never lived in Okmulgee, Lee or Boynton? A No, sir.
Q Have you ever been married? A I was married to Alex Bishop.
Q Only married once? A That's all.
Q Sure you were married that time? A Yes, sir we got a license.
Q Where was the license issued, in Muskogee? A Yes, sir.
Q Is your husband Alex Bishop dead? A Yes, sir.
Q When did he die? A It was three years the 6th of April.
Q Did you ever make out an affidavit about his death? A No, sir.
Q Didn't you ever swear that he was dead? A Yes, sir I think it was
in this place directly after he died.
Q How did you sign your name at that time? A Emma or Emma.
Q How long had he been dead when you made that affidavit? A That
same year.
Q Do you remember the name of the one who made an affidavit at the
same time you did? A No, sir.
Q Didn't Sandy make one the same day? A Yes, Sandy Ponds.
Q When did you marry? A I don't know what year.
Q How long had you been married to him at the time of his death? A
I couldn't tell unless I had the license, it slipped my memory but
I remember we staid together quite a while; I was the mother of three
children before he died.
Q What is the name of this one you want to apply for now? A Joe
Bishop.
Q Is he? A Yes.
Q When was Joe born? A 1902; he will be four the 7th of this coming
August.

Q Did you ever make any application for his enrollment as a citizen of the Creek Nation? A No, sir I was sick at the time they were enrolling before and when I got so I could stir they had closed up.
Q Did you have a midwife or physician when the child was born? A Yes
Q What was the name of that party? A Leah Ponds.
Q Where is she? A Out there.
We want her to make an affidavit.

Witness is advised that this office requires the original or a certified copy of her marriage license and certificate

Q How many children did you say you had by Alex? A Three.
Q What is the name of the oldest? A Almata.
Q Is she living? A Dead.
Q When die? A 1900.
Q You filed for her? A Yes.
Q What is the name of the next, A Anna
Q Is she living? A Dead.
Q When did she die? A It will be three years the 10th of August, the same year her father died. He died in April and she in August.
Q Do you know what Creek town Alex belonged to? A No, sir.
Q Do you know the name of his father? A No, sir neither his mother.
Q All the children you ever had were by him? A Yes
Q Did you know Alex before you married him? A No, sir not until we commenced corresponding and then we married in about a year.
Q And you didn't know him before that? A No, sir.
Q After you got acquainted with him and married him did you ever hear he was married before? A No, sir
Q Did he ever tell you about his former wife or wives? A No, sir.
Q Did you ever hear of any children by other women that he had? A Yes
Q What child? A One named Frederick; I never saw him until after the death of Alex.
Q Any others? A No, sir.
Q What was the name of the mother of Frederick? A They called her Babe but I don't know her name.
Q Citizen of any of the Five Tribes? A Yes Creek Nation.
Q Did you ever hear that he had an older child, a boy pretty near of age by the name of Joe Bishop? A No, sir.
Q He never told you about that? A No, sir.
Q Did you ever come up here at all and try to file for this boy? A No
Q What was done that you know of? A I don't know.
Q Don't know that anything was? A No sir I was sick and as soon as I could stir it was too late. Charley Ponds came up and he said it was too late.
Q You are sure this little fellow was born before Alex died? A Yes
Q How do you spell your name? A I always put two m's to it.
Q You signed it Emma Bishop is that right? A Yes.

CHARLIE PONDS, being duly sworn, testified as follows:

Q What is your name? A Charlie Ponds.
Q What is your age? A Thirty three.
Q What is your post office address? A Tallahassee.
Q Do you know this applicant here? A Yes
Q How long have you known her? A Quite a long while.
Q Did you know her alleged husband Alex Bishop? A Yes, sir.
Q Did you know him before he was married to this woman? A Yes, sir
Q When did he marry this woman? A I couldn't tell what year but a good while.
Q You are sure he was married to her? A Yes, sir.
Q Do you know this child here Joe Bishop? A Yes, sir.
Q What was the name of its father? A Alex Bishop.
Q Sure of that? A Yes, sir
Q Do you know Alex's father's name? A No, sir, know his mother's name
We called her Anneke.

Q You are sure he was the father of this child? A Yes, he was living with the woman when he died.
Q Did you ever hear of him having any children by any other woman?
A Not when he was with this woman.
Q Before? A I knew before.
Q What is his name? A We called him Fred.
Q How old is he? A I don't know but I guess he is of age.
Q Where has he been? A His mother lives out alone to Choska.
Q That is all you ever heard of? A To my knowing that is all. Of course he had other children, that's by this woman.
Q I mean by other women? A That's all I know.
Q Do you know to what Indian town Alex belonged? A Arkansas if I mistake not.
Q Do you know Sandy Ponds? A Yes, sir.
Q Any kin to you? A My brother.

Fred, the child referred to, is enrolled as Fred Perryman along with his stepfather John Perryman.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before
me this 21 day of May 1906.

Anna Garrigues

W. H. Haur
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
OCTOBER 2, 1906.

N.B.P. 107.

In the matter of the application for the enrollment of
Joe Bishop as a Creek Freedman.

APPEARANCES: John G. Lieber, acting for M. L. Nett,
attorney for Creek Nation.
Erwin Donovan, on behalf of Applicant.

Ema Bishop being first duly sworn by Henry G. Hains, a
Notary Public, testified as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Ema Bishop.
Q: How old are you? A: Between 26 and 27, I don't know
exactly how old I am.
Q: Do you think you are older than 27? A: I may be and I may
not, I couldn't tell.
Q: You don't think you are over 28, do you? A: No sir.
Q: What is your post-office address? A: Muskogee.
Q: Are you the same Ema Bishop who appeared here on May 14,
1906 and testified in the matter of the application for
the enrollment of your minor child, Joe Bishop as a Creek
Freedman? A: Yes sir, I am the one.
Q: What is the name of the minor child about whom you testified
A: Joe Bishop.
Q: How old is Joe? A: He is 4 years old, this 7th. day of
August.
Q: What was the name of the father of this Joe Bishop?
A: Alex Bishop.
Q: Is he a citizen of the Creek Nation? A: Yes sir.
Q: When did Alex Bishop die? A: 3 years the 6th. of April.
Three years ago this last April.
Q: Then he died April 6, 1903, did he? A: Yes sir.
Q: How long were you married to Alex Bishop? How many years?
A: I couldn't tell, I could tell you when I had the license,
but it has slipped my memory, the license got burned up.
Q: How many years do you think? A: It is over 3 I know.
Q: Did you have any other children by Alex Bishop?
A: Yes sir, he is dead.
Q: Was that deceased child born before this child Joe Bishop?
A: Yes, both of them was older than Joe.
Q: You had two children besides Joe by Alex Bishop, did you?
A: Yes sir.
Q: And both of those children that were born to you died
before Joe died, did they? A: Yes sir.

- Q: How long were you acquainted with Alex before you married him? A: I never knew him but about a year before we was married. Just about a year.
- Q: Did he ever tell you about having been married before he married you? A: No sir, he said he never had been married before. He told me that and he said it across the river where he was living and they heard him say it.
- Q: Do you know what month you were married in? A: No, I don't know what month it was in.
- Q: Can you name any persons who would be able to testify as to whether Alex Bishop was ever married before he married you? A: Can I name them?
- Q: Can you name any persons? A: I can't name any in town, there is plenty across the Arkansas river where I was living.
- Q: These people who you refer to, were they people who knew Alex all his life? A: Yes sir.
- Q: Name some of them? A: Ames Jamison, Mose Jamison, Charles Ponds, Sandy Ponds. All his people live over there.
- Q: Are all of these people which you mentioned related to Alex? A: Yes sir, they are.
- Q: Did you ever hear him speak about a child that he had by any former wife, or a child that he ever had by the name of Joe Bishop? A: All he told me was Frederick Bishop and I never seed him until after the death of Alex.
- Q: How old a boy was Frederick Bishop when you saw him? A: A good sized boy, between 16 or 17 years.
- Q: When was that? A: The same year Alex died.
- Q: Then this Frederick Bishop would be about 18 or 19 years old now, would he? A: Yes sir, when I saw him he was 16 or 17 years old.
- Q: He might be 19 or 20 wouldn't he? A: He might be because I didn't see him until after the death of Alex.
- Q: What sort of a looking boy was this Frederick Bishop? A: A little black low fellow.
- Q: Was he low set? A: Yes sir he was low set.
- Q: Did he look like he was afflicted with any disease? A: No sir.
- Q: Was he healthy looking? A: Yes sir, I seed him in July, I seen him.
- Q: He had nothing the matter with his hands or face? A: No sir.
- Q: Did he ever make application to be enrolled as a Creek Freedman, this boy Fred? A: I don't know, they said both him and his mother was living.
- Q: What was the name of Fred's mother? A: Julie Perryman I think, we always called her Babe.
- Q: Do you know whether Alex was ever married to Julia or Babe Perryman? A: No sir, he was never married to her.
- Q: Did he ever live with her as man and wife? A: No sir.
- Q: What did you hear to that effect, that he did or did not? A: He told me he did not, I am just taking his word for it, I was on this side of the river then.
- Q: Is this Julia or Babe Perryman a citizen of the Creek Nation? A: Yes sir.
- Q: Do you know how long this boy Fred has lived in the territory? A: All his life.

- Q: Did you ever hear of any other Alex Bishop a citizen of the Creek Nation or a resident of this Territory?
A: No sir I never did, I have not.
Q: Do you know or did you ever hear of any Ellen or Elmera Bishop living here in town or in the Creek Nation?
A: No sir, never did.

Statement by Commissioner:

The examination of the records in the possession of the Clerk of the United States Court for the Western District of Indian Territory shows that Marriage license was issued to Alex Bishop and Miss Emma Bishop, both of Muskogee, Indian Territory on February 13, 1896. The age of Alex on said license is shown as 40 and Emma as 23 years of age.

- Q: Who married you and Alex? A: Mr. Boyd.
Q: Rev. Boyd was it? A: Yes sir.

The marriage certificate on file with said Clerk shows that one H. Boyd was the minister who performed the ceremony.

It is requested that by Attorney for Applicant that a statement appear in the record to the effect that the name of Joe Bishop appears on the omitted 1891 roll, of citizens of the Creek Nation.

Also that the name of Joe Bishop appears on old census Card prepared in 1896, 1897 or 1898. It appears from said card that he is the child of Alex and Ellen Bishop.

Attorney for Applicant requests to be permitted to see the 1891 roll and examine it.

On request of Attorney for Applicant he is granted permission to look over the 1891 omitted roll for the purpose of seeing the name of Joe Bishop, which is contained therein.

Acting attorney for Creek Nation objects to the Commissioner exhibiting this roll or any other roll of the Creek Nation to the applicant, his counsel or any other applicants or their counsels, because applicants are expected to identify themselves from testimony as persons who appear upon the rolls of the Nation. And the rolls must not be exhibited to them for the purpose of aiding them in making the identifications.

The identification should be made from testimony absolutely independent of the roll.

This is all the evidence taken in said cause on said date.

I, Julia C. Kaval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said case.

Julia C. Kaval

Subscribed and sworn to before
me this 2 day of October, 1966.

W. H. Haines
Notary Public

En. 1084.

J.L.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Joe Bishop, as a Creek Freedman.

DECISION.

The record in this case shows that on May 14, 1906, application was made, in affidavit form, supplemented by oral testimony on same date, and by further testimony on October 2, 1906, for the enrollment of Joe Bishop, as a Creek Freedman, under the provisions of the Act of Congress approved April 26, 1906.

It appears from the evidence filed in this matter that said Joe Bishop was born August 7, 1902, and was living March 4, 1906. It further appears from the evidence that applicant was the child of Alex Bishop, whose name appears opposite number 3461, on the approved roll of Creek Freedmen, and Emma Bishop, a non citizen, his lawful wife.

The Act of Congress approved April 26, 1906 (34 Stat. L 137) in part provideth:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother and allotments shall be made to children so enrolled."

It is therefore ordered and adjudged that the said Joe Bishop is entitled to enrollment as a Creek Freedman, in accordance with the provisions of the Act of Congress above quoted, and the application for his enrollment as such is accordingly granted.

James Bishop
COMMISSIONER

Muskogee, Indian Territory,

January 15, 1907

3461
Father's roll # F. 242

107

100

~~241~~

IN RE 242

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Joe Bishop

as a citizen of

Creek

Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

MAY 14 1906

NEW CORN

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN AN APPLICATION FOR ENROLLMENT, as a citizen of the CREEK Nation,
of Joe Bishop, born on the 7 day of August, 1902
(here insert name of child)
Name of Father: Alex Bishop, a citizen of the Creek Nation.
Name of Mother: Emma, a citizen of the U. S. Nation.
Tribal enrollment of father: _____ Tribal enrollment of mother: _____
Postoffice: Muskogee, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

child present

I, Emma Bishop, on oath state that I am 26 or 27
years of age and a citizen by U. S. of the U. S. Nation;
that I am the lawful wife of Alex Bishop, deceased, who is a citizen, by
adoption of the Creek Nation; that a male child was
born to me on 7 day of August, 1902; that said child has been named
Joe Bishop, and was living March 4, 1906.
Emma Bishop

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 14 day of May, 1906.

H. H. Harris

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

I, Lesh Ponds, midwife, on oath state that I
attended on Emma Bishop, who is a citizen of the Creek Nation,
on the 7 day of Aug., 1902; that there was born to her on said date a male
child; that said child was living March 4, 1906, and is said to have been named Joe
Bishop.
Lesh Ponds

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 14 day of May, 1906.

H. H. Harris

Notary Public.

ME 107.

Muskogee, Indian Territory, September 28, 1906.

Mama Bishop,

General Delivery,

Muskogee, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Joe Bishop, born October 7, 1906, as a Creek Freedman, you are advised that you should appear at this office at an early date for the purpose of being examined under oath.

Respectfully,

Commissioner.

ENV 107.

Muskogee, Indian Territory, February 28, 1907.

Alex Bishop,

General Delivery,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on February 19, 1907, the Secretary of the Interior approved the enrollment of your minor child Joe Bishop as a Creek freedman, and that the name of said child appears upon the roll of new born Creek freedmen enrolled under the Act of Congress approved April 26, 1906, as number 231.

This child is now entitled to allotment and application therefor should be made without delay at the Creek Land Office in Muskogee, Indian Territory.

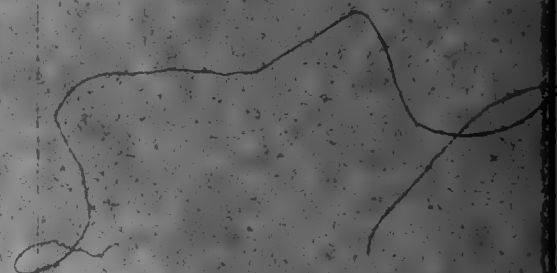
Respectfully,

Commissioner.

CR EN 1085

"

CR EN 1085



DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
SEPTEMBER 27, 1906.

N.B.V. 111

In the matter of the application for the enrollment of
Birtha Perryman, as a Creek Freedman.

APPEARANCES: John G. Lieber, acting for M. L. Nett, attor-
ney for Creek Nation.

Louis Perryman, being first duly sworn by Henry G. Hains,
Notary Public, testified as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Louis Perryman.
Q: How old are you? A: 12 years old.
Q: What is your post-office address? A: Wybark.

Questions by John G. Lieber, acting attorney for Creek
Nation.

- Q: What is your father's name? A: Jack Perryman.
Q: What is your mother's name? A: Minda Perryman.
Q: You understand the nature of an oath, don't you?
A: Yes sir.
Q: You understand that if after you have been sworn before
the Commissioner to speak the truth, the whole truth and
nothing but the truth, if you should tell something that
is not true you are liable to imprisonment, in the peniten-
tiary, you understand that, don't you? A: Yes sir.
Q: You have been subpoenaed here by a representative of the
Creek Nation have you not? A: Yes sir.
Q: How many brothers and sisters have you?
A: I don't know how much I have but I can count them.
Jeanie, and Sandy and Herbert and Jackson, that is all the
boys---and David.
Q: How many the girls? A: Leatha and Birtha, I forget that
other name.
Q: How you were subpoenaed in this case yesterday were you not?
A: Yes sir.
Q: At your father's house? A: Yes sir.
Q: How this name you have forgotten is that a small child or a
large one? A: It is a small child.
Q: How old is it? A: I don't know sir.
Q: Well you know about how old it is, don't you?
A: No sir, I don't know sir, how old it is.
Q: Is it a baby? A: Yes sir, it was a baby when it was
living.
Q: What was the name of that baby? A: I don't know sir
what its name was I forget.
Q: How old is Birtha? A: I don't know sir.
Q: Is Birtha living? A: No sir.

- Q: Now you folks have got a little baby over there to your house that is only a few ~~days~~ weeks old, isn't it? A: Yes sir.
- Q: What is the name of that baby now? A: Leonard.
- Q: That is a boy is it? A: Yes sir.
- Q: Born sometime this month wasn't it? A: Yes sir.
- Q: Now what is the name of the next oldest child that is living? That is, the one that is next to Leonard?
- A: Jackson.
- Q: How old is Jackson? A: I don't know sir, how old he is.
- Q: Jackson is a little boy just ~~about~~ learning to talk now, isn't he? A: I don't know, he can talk a little.
- Q: I mean, he is just learning to talk now, isn't he?
- A: Yes sir.
- Q: Do you remember when Jackson was born? A: No sir.
- Q: Now did your Mamma have any child between Jackson and this little baby you call Leonard? A: Yes sir.
- Q: What was the name of that child she had between Jackson and Leonard? A: Bertha.
- Q: Do you know Mr. Walkup, this gentleman sitting right back of me? ~~Don~~ know him, don't you? A: No sir.
- Q: You saw him yesterday did you not? A: Yes sir.
- Q: Then you know him when you see him, don't you? A: Yes sir.
- Q: He had a talk with you yesterday at Turners' house, didn't he? A: Yes sir.
- Q: In that conversation that you had with Mr. Walkup yesterday at Mr. Turners house didn't you tell him that you didn't know of any child in your family by the name of Bertha--- didn't you tell him that?---On yesterday? A: No sir, I didn't tell him that---I didn't have none living.
- Q: Didn't you tell him yesterday at Turners place that your mother never had any child between Jackson and Leonard?
- A: No sir.
- Q: Didn't tell him that? A: No sir.
- Q: Now you have had a talk with your father since Mr. Walkup spoke to you yesterday, haven't you? A: No sir.
- Q: Have you had a talk with your mother? A: No sir.
- Q: You stayed at home last night didn't you? A: Yes sir.
- Q: Your father and mother knew that you had been subpoenaed to come here as a witness, didn't they? A: Yes sir.
- Q: Do you mean to tell this Commissioner that they never had any talk with you about what you were going to testify to down here this morning? A: No sir, they told me.
- Q: Never said a word to you about why you were subpoenaed to come down here this morning? A: Yes sir.
- Q: Well what did they say? A: They told me to tell the truth, that is all they said.
- Q: Told you to tell the truth? A: Yes sir.
- Q: Now don't you know Louis, that it is a fact that your mother never had any child between Jackson and the little baby that she has now got? A: Yes sir, she had a child between Jackson and Leonard.
- Q: You are satisfied now that that is right, are you?
- A: Yes sir. I am satisfied when I see it.
- Q: And you swear before the Commissioner that your mother did have a child between Jackson and Leonard, and that its name was Bertha? A: Yes sir.
- Q: Now that is right is it? A: Yes sir.
- Q: How long did Bertha live? A: I don't know.
- Q: Do you know when she died? A: No sir.
- Q: Do you know what month she died? A: I don't know sir.
- Q: Did she die this year or last year? A: I don't know sir what year it was.

- Q: Did she die last Spring or last winter? A: I don't know.
- Q: How is that? A: I don't know.
- Q: Do you mean to tell the Commissioner that if you had a sister that died sometime this year that you don't remember when it died---whether it was last Spring or last winter---do you mean to tell the Commissioner you don't know about that? A: Yes sir.
- Q: Don't know when it died? A: No sir.
- Q: When was BIRTHA born? A: I don't know sir.
- Q: Well about when? A: I can't tell you when she was born.
- Q: Was she born before last winter? A: I don't know.
- Q: Did you ever see your sister BIRTHA after she was born? A: Yes sir.
- Q: How old did she live to be? A: She lived to be pretty old she lived to be pretty old.
- Q: What do you mean by "Pretty old" how many weeks or months did she live? A: I don't know sir.
- Q: Well did she live as much as a month? A: Yes sir.
- Q: Now Louis you have gone to school haven't you? A: Yes sir.
- Q: And know how to write, don't you? A: No sir.
- Q: What? A: No sir.
- Q: How long did you go to school? A: One session.
- Q: You know how to write your name, don't you? A: Not good.
- Q: But you can write? A: No sir.
- Q: Your name? A: I can write it a little.
- Q: Well you know when winter comes, don't you? A: Yes sir.
- Q: It is cold weather then isn't it? A: Yes sir.
- Q: And we have snow and ice? A: Yes sir.
- Q: You know when summer comes don't you? A: Yes sir.
- Q: Your father is a farmer, isn't he? A: Yes sir.
- Q: You know that we plant crops here in the Spring, don't you--put our crops in here in the Spring don't we? A: Yes sir.
- Q: Now then tell the Commissioner if BIRTHA was living during last winter, this last gone winter? A: I don't know sir.
- Q: Do you mean to say that you don't know if your little sister was living during last winter? A: No sir, I done forgot, I ain't been staying at home.
- Q: Where have you been Louis? A: I have been staying with my brother.
- Q: How long have you been staying with your brother? A: A long time.
- Q: How long a time? A: I don't know sir, how long.
- Q: When did you go to live with your brother? A: I have been living with him ever since he had been married.
- Q: How long has he been married? A: About 2 or 3 years.
- Q: And you have been living with him all that time? A: Yes sir.
- Q: How far is your brother living from where your father lives? A: I don't know, it is a long stretch, he lives away off.
- Q: About how far off? A: I don't know sir how far, he lives far off.
- Q: What town does your brother live near to? A: Porter.
- Q: How far does he live from Porter? A: I don't know.
- Q: Do you know whether he lives a mile or two miles or right at Porter or what? A: He sir, I don't know sir, how far he lives from there.
- Q: What town does your father live close to? A: Wybark.
- Q: Now where did you stay last winter, with your brother or with your father? A: With my father.
- Q: You stayed with your father last winter? A: Yes sir.

- Q: Well now you didn't see any little young baby there at your father's house last winter, did you Louis? A: I knew I seen BIRTHA.
- Q: You know you seen BIRTHA? A: Yes sir.
- Q: Were you at home when BIRTHA died? A: Yes sir.
- Q: Right there at the house were you? A: Yes sir.
- Q: What kind of weather was it when BIRTHA died? A: I don't know sir.
- Q: Did you go to the funeral? A: No sir.
- Q: Why didn't you? A: I went to school.
- Q: Do you mean to tell the Commissioner that you had a little sister that died at your house and you were there and that instead of going to her funeral you went off to school do you mean to tell the Commissioner that as the truth?
- A: Yes sir.
- Q: That is the truth? A: Yes sir.
- Q: What school do you go to? A: School at Wybark.
- Q: In Wybark? A: Yes sir.
- Q: Who was your teacher? A: A. L. W. Shields.
- Q: Man or woman? A: Man.
- Q: Is he over there at Wybark now? A: No sir.
- Q: Do you know where he is? A: No sir.
- Q: Is there more than one school in Wybark? A: Yes sir.
- Q: Which one of the schools did you go to the day your sister was buried? A: Wybark.
- Q: Which one of them I say, what is the name of the school you went to? A: Oak Grave School.
- Q: That is right in Wybark is it? A: Yes sir.
- Q: Who was there at the house when your little sister died?
- A: A woman by the name of ~~Bess~~ Doza Gaines and Alice Brewer.
- Q: Now was there anybody else there? A: Nobody else but the home folk.
- Q: What time of the day did your little sister die? A: I don't know sir.
- Q: Were you at home when she died? A: Yes sir.
- Q: Was it in the afternoon or was it in the morning?
- A: In the night.
- Q: Were you awake when she died? A: No sir.
- Q: Did your parents wake you up after she had died?
- A: No sir.
- Q: Then all you know about her death is, that when you went to bed at night she was living? A: Yes sir.
- Q: And when you woke up in the morning, she was dead?
- A: Yes sir.
- Q: Is that right? A: Yes sir.
- Q: How long had your little sister been sick before she died?
- A: I don't know sir.
- Q: Well was she sick the day before she died? A: Yes sir.
- Q: Was she sick two days before she died? A: No.
- A: I don't know sir, I wasn't at home.
- Q: You were not at home two days before she died? A: No sir.
- Q: Where were you? A: At my brothers.
- Q: How did you happen to go down to your father's house?
- A: I didn't have nothing else to do.
- Q: Didn't they send for you because your little sister was sick?
- A: No sir.
- Q: They didn't? A: No sir.
- Q: Now had you been at your brother's house before you went down to your father's house there, just a day or so before your little sister died? A: I don't know.

- Q: Well had you just gone from your father's house up to your brother's house before you went back to your father's house again, or had you been at your brother's house for several days? A: No sir, I was staying with him.
- Q: With your brother? A: Yes sir.
- Q: And going to school at Wybark all that time? A: No sir.
- Q: How long had you been going to school at Wybark when your sister died? A: I had just started.
- Q: Well now do you mean to say that you started to school at Wybark the same day that your little sister died? A: Yes sir.
- Q: Or was it the day before? A: I started the day she died.
- Q: What was the first day you had gone to school at Wybark, was it, is that right now Louis? A: Yes sir.
- Q: How did you happen to start to school at Wybark on the day that your little sister died? A: Just because.
- Q: Now do you mean to say that you started to school the day that she died or the day that she was buried?
- A: The day that she died.
- Q: Like you would start to school today and this coming night your little sister died during the night, and the next morning you started to school at Wybark for the first time, is that right now? A: Yes sir.
- Q: Now you are sure you are not making any mistake about that are you, Louis? A: No sir.
- Q: Now when was it you started to school Louis? A: I don't know.
- Q: Well was it last fall or this last Spring?
- A: I don't know sir, when it was.
- Q: Well was it winter time? A: It has been so long I don't know.
- Q: Well it was only this last gone Spring or winter wasn't it?
- A: I don't know sir.
- Q: How long did you go to school at Wybark after your little sister died? A: I don't know sir, how long it was.
- Q: Well did you go several days or several weeks or what?
- A: I don't know sir how long I went.
- Q: You went more than a week didn't you? A: Yes sir.
- Q: Now did you ever go to school before you went to school at Wybark? A: No sir.
- Q: That was the first time you had gone to school? A: Yes sir.
- Q: Where is your little sister buried? A: I don't know sir.
- Q: Was she buried the day after she died? A: I wasn't home that day.
- Q: Well you went to school didn't you, is that right?
- A: Yes sir.
- Q: Did you see your little sister's dead body in the morning before you went to school? A: Yes sir.
- Q: You did? A: Yes sir.
- Q: And that evening when you came back from school did you see her dead body then? A: No sir.
- Q: They had buried her while you were at school, is that right?
- A: Yes sir.
- Q: Now Louis you swear before the Commissioner that you did have a little baby at your house during last winter, do you?
- A: No sir, I done forgot---I don't know what time it was but I had a sister named Birtha.
- Q: Well can't you tell whether it was this year you had that little sister or last year? A: No sir.
- Q: Now isn't it a fact that your father or your mother told you to come down here and swear that you did have a sister by the name of Birtha and to swear that you don't know when she was born or when she died? Didn't your parents tell you to come down here and swear that?

- A: No sir, I know this.
- Q: Well if you know that you had a little sister by that name then you certainly ought to know whether your little sister was living during this last gone winter? Now can't you tell the Commissioner that? A: I done forgot.
- Q: Don't you know you never had any little baby at your house during this last gone winter? I mean a little baby two or three months old. ---Don't you know Louis, you didn't have a little baby there this last gone winter---now tell the truth? A: I had a sister named BIRTHA.
- Q: Was she there at the house this last gone winter?
- A: I don't know how long it has been.
- Q: How many crops have been raised since your little sister died? A: I don't know.
- Q: Was your sister BIRTHA old enough to walk when she died?
- A: No sir.
- Q: Were you at home when she was born? A: No sir.
- Q: Where were you at that time? A: At my brother's.
- Q: How old was BIRTHA when you first saw her? A: I don't know sir.
- Q: Was she alive the first time you ever saw her? A: Yes sir.
- Q: How long did she live after the first time you saw her?
- A: I don't know sir.
- Q: Well did she live a day or a week or a month after you first saw her? A: I don't know sir, how long.
- Q: Well do you know that she lived more than a day after you saw her? A: I don't know sir.
- Q: Can't tell the Commissioner whether your little sister lived only a day after you first saw her? A: No sir.
- Q: How many days are there in a week Louis? A: I don't know.
- Q: What day comes after Sunday? A: I don't know sir.
- Q: Don't you know that Monday comes after Sunday? A: No sir.
- Q: Well name the days of the week, ~~start~~ start right in and tell us the days of the week? A: I can't.
- Q: What month does Christmas come in? A: I don't know.
- Q: Well you know when Christmas comes, don't you? A: No sir.
- Q: Don't you know that Christmas comes in the winter time, you know that don't you? A: No sir.
- Q: Didn't you ever hear about Santa Claus? A: No sir.

Questions by Commissioner:

- Q: Didn't you ever hear of Thanksgiving day either? A: No sir.
- Q: Never heard of such a day either, did you? A: No sir.
- Q: Did you ever hear of New Years day? A: No sir.
- Q: Don't you know that people have a holiday when Christmas and Newyears comes? A: I don't know sir.
- Q: You never heard of those holidays? A: No sir.
- Q: Did you ever hear of George Washingtons birthday?
- A: No sir.
- Q: Never heard of that day? A: No sir.
- Q: Now Louis you say you went to School the very day your little sister was buried, didn't you? A: Yes sir.
- Q: Did your father or mother take you over there to that school?
- A: What school?
- Q: That school in Wyhark---the first time you ever went to school in your life? A: No sir.
- Q: Who took you there? A: I went myself.
- Q: Did your father or mother tell you to go? A: Yes sir.
- Q: Did they tell you why they wanted you to go to school that day? A: Yes sir.
- Q: Why did they tell you? A: They wanted me to learn.
- Q: Did they tell you any reason that they wanted you to go

- to school the very day your sister was buried instead of going to the funeral? A: No sir.
- Q: Now you say you lived with your brother over near Porter and you came from his house when you came home there and your little sister BIRTHA died the next day, did she?
- A: Yes sir.
- Q: Now had you ever been to your brother's before that trip or was that the first time you ever went over there?
- A: I had been staying with him.
- Q: Was it just one long stay? A: Yes sir.
- Q: You went there one time and stayed right along until you came back to your Papa's at Wybark? A: Yes sir.
- Q: Was it during the time you were there that BIRTHA was born if she was born at all? A: She wasn't born before you went there was she? A: No sir.
- Q: How long did you stay at your brother's?
- A: I don't know sir, how long.
- Q: What time of the year did you go over there?
- A: I don't know sir.
- Q: You said you had been at your brother's a couple of years didn't you? A: Yes sir.
- Q: How old did this little child look to be that died the day after you got back to your father's---did it look like it was a day old or two days old or a week old---how old did it look to be? A: I don't know sir, how old it looked to be.
- Q: Did your teacher know you and call you by name? A: Yes sir.
- Q: Other little boys and girls were there at school were they?
- A: Yes sir.
- Q: Did they know you? A: Yes sir.
- Q: Your name was enrolled there at that school was it?
- A: Yes sir.
- Q: Then after you quit going to school there, where did you go?
- A: Nowhere.
- Q: Stayed right there with your Papa ever since? A: Yes sir.
- Q: But you quit school before school was over, didn't you?
- A: No sir.
- Q: You finished out that term, didn't you? A: Yes sir.
- Q: Don't you know that when Spring come it is the breaking up of winter, don't you know that? You know when cold weather stops and Spring starts, don't you---you felt it twelve years ago---don't you know that? A: I don't know sir.
- Q: This time you came home there and the very day your sister died you started to school and went to school the first time in your life---was that after the cold weather stopped or not? A: I don't know when it was.
- Q: What season are we having now---winter or what? A: I don't know.
- Q: Don't you know this is summer or the beginning of fall?
- A: No sir.

Malinda Montgomery being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Malinda Montgomery.
- Q: How old are you? A: 22.
- Q: What is your post-office address? A: Wybark.

Q: Are you a Creek Freedman or a State woman? A: A State woman.

Questions by John G. Lieber, acting attorney for Creek Nation:

- Q: Do you know Jackson Perryman? A: Yes sir.
Q: Do you know his wife Minda Perryman? A: Yes sir.
Q: How long have you known them? A: 2 years.
Q: How close did you live to them? A: I lived about a mile.
Q: How long have you lived that close to them? A: Two years.
Q: Are you well acquainted with them? A: Yes sir.
Q: Do you visit them? A: Yes sir.
Q: Are you related to either one of them? A: No sir.
Q: About how often do you see these people? A: I see them ever week.
Q: Well, you say you have been at their house--would you say you have been there on an average of about every week during the past two years? A: Yes sir.
Q: Do you know any of their children? A: Yes sir.
Q: Give the names of some of them? A: Letha--Louis-- Jeanie-- Sandy and Herbert and the baby I don't know what its name is.
Q: How old is the baby? A: It is not more than 3 months old.
Q: Do you know about when it was born? A: Yes sir.
Q: When? A: I think it was born in August.
Q: What was in last month you mean? A: Yes sir.
Q: Then it would be something like a month old? A: Yes sir.
Q: You don't know what they have named that baby?
A: No sir.
Q: What is the name of the next youngest child? A: Jackson.
Q: About how old is Jackson? A: About 3 years old I think.
Q: Did you know them before Jackson was born? A: No sir, he was born when they came there.
Q: About how old was Jackson when you first got acquainted with them? A: About a year old.
Q: How have they had any children between Jackson and this little baby they have now? A: No sir.
Q: Has your acquaintance with them been such that is they had had a child between Jackson and this little baby they now have, that you would have known it? A: Yes sir.
Q: Did you ever hear of a child in their family born between Jackson and the little baby they now have by the name of Birtha? A: No sir.
Q: Did you ever hear Mrs. Perryman or her husband Jackson say anything about a child by the name of Birtha? A: No sir.
Q: If they had had such a child born on the 7th. day of last October and died sometime last Spring, you would have known it, would you? A: Yes sir.
Q: Do you think it possible that they could have had a child born to them and live for 6 months and then die without you knowing it? A: No sir.
Q: Have they had any deaths in their family at all in the last year? A: No sir.
Q: Have they had any births in their family in the last year excepting this young child they now have? A: No sir.
Q: Are you on friendly terms with these people Mrs. Montgomery?
A: Yes sir.
Q: You appear here as a witness in obedience to a subpoena issued by the Commissioner, and ~~having~~ served on you yesterday, don't you? A: Yes sir.
Q: Have you any interest whatever in this case? A: No sir.
Q: Are you a married woman? A: No sir.

Questions by Commissioner:

- Q: You know Louis Perryman, do you? A: Yes sir.
Q: About how old is he? A: I don't know they said he was 12 years old.
Q: Has he ever lived away from home in the last two years?
A: No sir.
Q: If he had lived in some other town or with somebody else than his parents there in Wybark, would you have known it?
A: Yes sir.
Q: Do you know if he goes to school? A: Yes sir.
Q: Where? A: Wybark. At Oak Grove.
Q: Does he go to school regularly? A: ~~XXXXXXXX~~ No sir.
Q: About how often off and on in a year?
A: About three or four months.
Q: During the last two years has he gone about that much each year? A: Yes sir.
Q: How do you know that? A: I goes to school there.
Q: The same school? A: Yes sir.
Q: You saw him there in 1904 and 1905 and 1906? A: Yes sir.
Q: You have seen him right there at that school? A: Yes sir.
Q: Well if he said that he had only been there to school one season in his life, he said something that wasn't true didn't he? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

(By John G. Lieber: (We desire to refer to Creek Freedman card roll Number 3638 for the purpose of showing that at the time the witness Louis Perryman was enrolled in September 1898, his age was given as 6 years at that time, making him 14 years of age at this time.)

~~Questions by Commissioner~~

William Henry Vanderbilt French, being first duly sworn by Henry G. Hains, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: William Henry Vanderbilt French.
Q: How old are you? A: 19.
Q: What is your post-office address? I haven't any.
Q: Where is your nearest post-office to where you live?
A: Wybark.
Q: Are you a citizen of the Creek Nation or a State boy?
A: State boy.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: William do you know Jackson Perryman and his wife Minta Perryman? A: Yes I got acquainted with them when I first came to this country.
Q: How long have you known these people? A: I knew them just a little while before last Christmas, I came there about 3 weeks before last Christmas.
Q: And you have known them ever since that?

- A: He sir I stayed there until Christmas and I left and just came back there since ~~Christmas~~ winter broke.
- Q: Well what I mean you have been acquainted with them ever since sometime before last Christmas, that is you know them
- A: I worked for them I guess nearly two weeks before Christmas
- Q: Worked right there at the house, did you? A: He sir, I didn't work at the house, he had a fellow working in the field staying in a little house there and I worked in the field and stayed with him.
- Q: You were at their house sometimes when you were working there for them? A: Yes I would get to the house in the morning.
- Q: Do you know the names of any of their children? A: Nothing more than what they have got now.
- Q: Well tell the Commissioner the names of some of them?
- A: One is named Herbert and Jackson, Sandy, Jeannie, Louis and one named Letha.
- Q: How old is Jackson? A: I don't know sir.
- Q: Well give us a sort of guess, will you-- Do you know whether he is one year old or ten years old? A: ~~Indistinct~~
- A: No sir.
- Q: Is he old enough to go to school? A: No sir, I don't think he is.
- Q: He is a little baby ain't he, just about old enough to talk now? A: Yes sir. He can talk and go anywhere he wants to go.
- Q: But he is not old enough to go off to school by himself yet, is he? A: No sir.
- Q: Now what is the next youngest child they have got? That is the youngest child they have? A: The youngest one that I know of is the little one they have got now.
- Q: How old is that little one they have got now William?
- A: I don't know, I am gone here all the time and I just got back here about 2 weeks ago.
- Q: Well you have seen the child since you came back haven't you? A: Yes sir.
- Q: You ought to be able to tell the ages of the youngest and tell whether they are two or three months old or 2 or 3 years old? You say you have been away for sometime?
- A: Yes sir, ever since the first of last year.
- Q: Last year? A: I mean ever since Christmas.
- Q: I thought you stayed around there until winter broke?
- A: That is what I am telling you.
- Q: You stayed around there until winter broke--then where did you go? A: Down to Parsons.
- Q: Kansas? A: Yes sir.
- Q: Did you stay there until you came back about 2 weeks ago?
- A: Yes sir.
- Q: When was it you went to Parsons? A: I went up there just after winter broke.
- Q: What month was it? A: I don't know what month it was.
- Q: What did you do up there? A: I worked.
- Q: What doing? A: Just worked for a fellow tending to his horses and hogs and cows.
- Q: Well now William you know what month you went to Parsons don't you know whether it was January, February, March or April? A: No sir, I don't.
- Q: Well now you got back two weeks ago? A: Yes sir.
- Q: You have been there to Jackson's house since you got back haven't you? A: Yes sir.
- Q: Have you been staying there since you got back?

- A: Yes sir, I stayed there a week since I got back.
- Q: What do they call that little baby they have got there now William? A: I don't know sir, what they call him.
- Q: You have never heard them call him anything have you?
- A: No sir.
- Q: In fact it is too little yet to be called anything isn't it William? A: No sir, I can't say anything about that.
- Q: Well now isn't it a real little bit of a baby about 2 months old? A: No sir.
- Q: Haven't you heard them say when that baby was born since you have been there? A: No sir.
- Q: Well it isn't old enough to walk is it? A: No sir, it ain't old enough.
- Q: It is a little baby in long dresses yet, isn't it?
- A: Well it has got on pretty short dresses.
- Q: You wouldn't say it is a baby in short dresses yet, would you? A: No sir, it ain't got on no short enough dresses to walk in.
- Q: You are on good terms with these people, aren't you William with Jackson and his wife? A: No sir, I ain't got nothing against them.
- Q: They are friends of yours? A: Yes sir.
- Q: You appeared here before the Commissioner in obedience to a subpoena issued by him and ~~summarized~~ served on you yesterday didn't you? A: Yes sir.
- Q: Have you got any interest in this case at all? A: Not a bit.
- Q: Now William when you were there last Winter with these people this little baby then, that they have got now wasn't born yet was it? A: No sir, it wasn't when I was there right before Christmas.
- Q: Who was their youngest child then? A: Jackson was all the one I know of.
- Q: Did you see any other little child around there last winter besides Jackson--younger than Jackson? A: No sir.
- Q: While you worked there last winter about Christmas, do you know or did you hear of their having a child there by the name of Birtha? A: No sir, I didn't hear nothing about it.
- Q: If they would have ~~as~~ had a little baby there at that time only a few months old you would have known it wouldn't you?
- A: Yes, if they had had any while I was there I would have known it.
- Q: But during the time you worked there for these people two weeks near Christmas time you never saw any little baby there two or three months old, did you? A: No sir.

Doc Turner being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Doc Turner.
- Q: How old are you? A: How old I am---about 45.
- Q: What is your post-office address? A: Wybark.
- Q: Are you a Creek Freedman or a State man? A: A state man.

Questions by John G. Lieber, acting attorney for the Creek Nation.

- Q: Doc, do you know Jackson Perryman and his wife Minda Perryman? A: I do.
- Q: How long have you known them Doc? A: I have been here now if I make no mistake, in the Creek Nation, about 15 years came fro Little Rock, and I have been living there between the rivers ever since I have been in the Nation.
- Q: Have you known them during all that time? A: Yes sir.
- Q: Are you on friendly terms with them? A: I am.
- Q: How close do you live to them? A: Oh, I ain't ever 100 yards. I just come there this year---I never been living close to them since I have been in the Nation---I moved there in February, I ain't been any closer to them than you have, of course I knew them and seed them.
- Q: What time in February did you move there Doc? A: I don't know sir, I didn't take any count of it--- I think February was near about gone when I came there, I knew we had a mighty large snow and that kept me where I was at until the snow was gone, that is when the ground was so bad and the roads was so bad.
- Q: How far did you live from them before you moved where you are now? A: About 2 miles on John Williams place. I think it is about 2 miles.
- Q: Well you have been to their house, haven't you Doc?
- A: No sir, I ain't never been to the house.
- Q: Haven't you ever been to their house? A: Oh yes, two or three times. Of course I never did any business in my life since I have been here.
- Q: They live in sight of you now, don't they? A: I can see their house.
- Q: In fact you can ~~holler~~ holler over to them? A: If I Holler pretty loud someone will come to the door.
- Q: Now just about the time you moved up there where you are now, you went to see these people didn't you?
- A: No sir, I didn't.
- Q: Didn't go to see who your neighbors were? A: Of course I saw them passing, I was moving you know.
- Q: It didn't take you two weeks to move, did it?
- A: Oh no, I moved in one day.
- Q: After you got moved and settled down, didn't you go to see who your neighbors were, Doc? A: No sir, I just saw them passing by, I never went to their house at all any more than I come to your house, and I ain't been to your house.
- Q: How long after you moved until you went to their house?
- A: I never took any account of it at all about my moving and going there, of course I seen him passing by, and after a week or two he was going his route and I mine.
- Q: Do you know any of his other children? A: I know that boy that has been here since I have been up there. I never knows the childrens names any more than you do.
- Q: Don't you know their names now? A: I know their names now. They have a little fellow named Jackson and one named Herbert, I know them, and that is all I know about their children.
- Q: You know their other children too don't you?
- A: They have another named Jeanie and Sandy.
- Q: He has some more children, hasn't he? A: That is all I know. I have done called their names.
- Q: He has one named Letha hasn't he? A: Yes sir, a girl married.

- Q: Well you have been acquainted with them well enough to know the names of the children, haven't you Doc?
- A: Yes sir but I never ask anything about anybody's childrens names, I hear them.
- Q: Now you know about the children before you moved up there last Spring, didn't you? A: I knew the biggest one that come in here, but the other ones I didn't know.
- Q: You knew his daughter Letha before you came down here, didn't you? A: She came down on the main line in a wagon, I knew her.
- Q: They have a young baby there now, haven't they Doc?
- A: Yes sir, I saw one there.
- Q: How old is it? A: I don't know anything more than you, I just know it is a baby.
- Q: You know it isn't a year old, don't you Doc? A: It can't be a year old because it is a baby.
- Q: It has been born since you moved there in February, hasn't it? A: Yes sir. It has been born since I live there.
- Q: It was born in the last month or so wasn't it? A: Yes, I expect that is right.
- Q: Your wife visits with Jacksons wife, don't she?
- A: Yes, she goes whenever she pleases like it and she comes over there.
- Q: Don't you know that that baby is about a month or 6 weeks old? A: Of course it is born lately, that one is.
- Q: Now you say there is a little one there by the name of Jackson? A: The young man there seen it---(referring to Mr. Walkup)---that is his name.
- Q: We are asking what you know about it?
- A: That is his name. He is old enough to begin to talk good now. He can jabber tolerable good.
- Q: He is about a couple of years old, isn't he? A: I don't ~~think~~ know nothing about his age any more than you do.
- Q: Now Doc do you know of their having any child since Jackson was born, until this one was born a short time ago?
- A: You want the truth don't you?---If they had any born, I don't know anything about that--that is what the young man was asking yesterday evening and I said no, I don't know anything about that business.
- (Witness refers to Mr. Walkup, by "young man")
- Q: Now you live in sight of them and have lived there since sometime last February, now Doc if they had had a child to die there at their house along last Spring after you moved there you would have known that, wouldn't you?
- A: I don't know sir, I might, there ain't none died that I know anything about.
- Q: Well now you are not indifferent to your neighbors when they are in distress are you? A: No.
- Q: You wouldn't live within speaking distance of a man and see him have a child die without offering to lend assistance if you could? A: No sir, I wouldn't do nothing like that I am a neighbor to anybody that I suppose to be a neighbor, I believe in assisting all I can.
- Q: Hasn't your acquaintance with these people been such since you have been there since last February, that if they had a child to die there last February, a 6 months old child since you have moved there, you would have known it, wouldn't you? A: Of course I would, there ain't none died that I have any knowledge about it.

- Q: Have you heard Jackson or his wife say a word about having a child die there at their house this last Spring?
- A: I don't know anything about it, I never heard them said anything about it. I was there and I ain't seen anything of it.
- Q: Have you any interest in this case at all, Doc? A: Not a bit.
- Q: You appear here in obedience to a subpoena issued by the Commissioner and served on you yesterday? A: I do.
- Q: You are testifying in this case because you are anxious to testify, are you? A: No sir, I want to be at work, I was out in the cotton patch I wasn't expecting nothing like this or I would have run off and you never would have found me.

Jackson Perryman, being first duly sworn by Henry G. Hains a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Jackson Perryman.
- Q: How old are you? A: Oh I don't know for certain, 40 some odd years old.
- Q: What is your post-office address? A: Wybark.
- Q: Are you a Creek Freedman? A: I think I am.
- Q: What is the name of your father? A: Sandy Perryman.
- Q: What is the name of your mother? A: Bettie.
- Q: Bettie what? A: She married again to Richmond Nixon.
- Q: Was it ever anything else? A: Oh yes, her masters name.
- Q: What was that? A: Brandy.

Witness is identified as Jackson Perryman opposite Creek Freedman Roll Number 3634.

- Q: Are you married? A: Yes sir.
- Q: What is the name of your wife? A: Minda Perryman.

Minda Perryman is identified as Minda Perryman opposite Creek Freedman roll number 3634.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Jackson, how many children have you? A: I have to study first.
- Q: Name them starting with the oldest and coming on down to the youngest?
- A: Letha Perryman, Louis Perryman, Sandy Perryman, Herbert Perryman, Jackson Perryman, David Perryman.
- Q: How any others? A: Lavern Perryman, Birtha Perryman.
- Q: You have got a little baby there at your house now, haven't you Jackson? A: Yes sir.
- Q: How old is that child? A: I think it is very near a month old.
- Q: Is it a little bit of a baby? A: Yes sir.

- Q: What is the next oldest child? A: The next oldest---the next oldest would be Birtha.
- Q: How old is Birtha? A: She was born in October the 7th. and she died the 4th. night in March.
I don't know what time of the night it was, I didn't have any clock.
- Q: Was it before or after midnight? A: It was long before but I don't know when it was, I didn't have any clock it was pretty late in the night, but I don't know exactly what time it was---she said about one or two o'clock I don't know.
- Q: Well that is after midnight, isn't it? A: Yes sir.
- Q: You were not sleeping when that child died were you?
- A: No, I wasn't sleeping. But I didn't have any clock and I don't know exactly what time.
- Q: Well are you ready to swear to the Commissioner that that child died before midnight? A: I can't either say it died before or after because I couldn't swear to nothing like that. I am only guessing at it.
- Q: You can't swear then that that child died before midnight?
- A: No, because I don't know.
- Q: What day of the week did the child die on, Jackson?
- A: I don't know, I have to study that.
- Q: Just take your time and study as long as you want too.
- Q: Oh I couldn't tell you because my wife was keeping a memorandum of the time, I don't think about nothing to study about it long.
- Q: You know whether that child died on Sunday or not, don't you? A: No, I don't.
- Q: Don't? A: No, not for certain I didn't naturally study about a thing like that.
- Q: Well do you know what day the child was buried on? What day of the week? A: It was buried the next day I can tell you.
- Q: Well what day of the week was that? A: I don't know.
- Q: Well now if it had been on Sunday you would have remembered that wouldn't you Jackson? A: It is hard telling, I have got such a poor recollection. I am for telling the truth.
- Q: Now Jackson you say you don't remember-- is your recollection so awfully poor that you don't really remember that you ever had such a child by the name of Birtha?
- A: I guess I recollect that all right I am bound to recollect that.
- Q: What day of the week was that child born on? A: Now for me to be for certain I don't know, I can't remember it you see.
- Q: Have you any record of the birth and death of this child?
- A: I got their ages I think.
- Q: Did you make any record of it? A: I didn't ---my wife had down what time it was born. I think she has got it.
- Q: Have you that record with you? A: I don't know, here is all she sent, she claims that that is it.
- Q: When did your wife write that? A: Oh it has been a long time since she wrote some of it---I can't tell you how long it has all been---there was some wrote here too-- Well you could see what time it was wrote.
- Q: Now Jackson you know xxx how to read, don't you?
- A: Very little.
- Q: You can read, can't you? A: Very little.
- Q: And write too, can't you? A: Very little.
- Q: You read your bible don't you? A: Hardly ever.

- Q: You belong to Church don't you? A: Yes sir.
- Q: Then you do read your bible sometimes, don't you?
- A: I can't study much on account of my heart, I have heart disease.
- Q: Well now Jackson this record which you have here with you is in your family bible, isn't it? A: Yes sir.
- Q: That is a record of the births and deaths of your children isn't it? A: I don't know---I have got to answer to some-- think I know, you know.
- Q: Well answer the question, is that a record of the births and deaths of your children? A: Yes sir, that is right I guess.
- Q: Well now this has a record here of the birth and death of your daughter BIRTHA, hasn't it? A: I don't know I didn't write it at all.
- Q: Can't you read at all Jackson? A: I can read a little.
- Q: Get your eyes down to that page---don't that say BIRTHA Perryman born October 7, 1905, died March 1906---don't it say that? A: Yes sir.
- Q: Is that the first time you ever saw that in that bible?
- A: I never paid any attention to it at all.
- Q: Is that the first time you ever saw it in that bible?
- A: No sir, I never did look at it that close.
- Q: When did you see it there the first time?
- A: I couldn't tell you when I seen it there the first time.
- Q: Are you willing to swear before the Commissioner that that date of the birth and death of your daughter BIRTHA Perryman is correct? A: I couldn't swear it because I didn't wrote it, my wife wrote it.
- Q: Wasn't you present when she wrote it? A: No sir.
- Q: Now in the record of the death of BIRTHA it shows there that something else was written in there and then scratched out, don't it? A: Yes sir, I ain't sponisible of that, I don't know nothing about it, my wife wrote it.
- Q: How do you know then that your child BIRTHA died the 4th. night in March? A: Well I will tell you---because I was there.
- Q: Well is that the only reason you remember it was the 4th. night in March? A: My wife said that was the time it died, of course I couldn't remember exactly, she said that was the time.
- Q: You were there at the house, of course? A: Yes sir.
- Q: Well what have you got to say when that child died from your own recollection or own memory?
- Q: I ain't got anything to say but what she said.
- Q: Then from your own memory you can't swear when that child died can you? A: No sir.
- Q: From your own memory you can't swear that that child died in March, can you? A: Yes sir in March I can swear that.
- Q: Swear that it died in March? A: Yes sir.
- Q: Well can you swear what time in March it died from your own memory and recollection?
- A: Why I couldn't remember-- she told me what time it died-- I couldn't remember it at all---it was spoken to me yesterday she asked me and I said I couldn't remember.
- Q: Then you don't know anything about what time in March the child died from your own recollection?
- A: Not only what she told me.
- Q: You are just relying on what somebody else told you, aren't you? A: Yes, that is what she told me.
- Q: Do you know Malinda Montgomery? A: I know her when I see her.

- Q: She testified here in this case today, didn't she?
A: I guess so.
Q: You are on friendly terms with her? A: Oh yes.
Q: She is one of your neighbors? A: Yes sir.
Q: Visits at your house frequently, don't she? A: Not at my house she hardly ever comes to my house.
Q: She is there sometimes, isn't she? A: Yes sir, sometimes.
Q: On friendly terms with your wife? A: Yes sir.
Q: Do you know this young fellow, William French?---Who testified here, you know him don't you? A: Yes sir.
Q: He is on good terms with you? A: Yes sir.
Q: He worked for you along last Christmas a couple of weeks didn't he? A: Yes sir.
Q: Do you know this man Doc Turner who has testified here?
A: Yes sir.
Q: He is on friendly terms with you, is he? A: Yes sir.
Q: One of your neighbors? A: Yes sir.
Q: These people whose names I have mentioned bear good reputations there in your neighborhood, don't they? A: I never have heard anything against them.
Q: Never heard anything against them? A: Not that I know of.
Q: Now if that Montgomery woman comes here before the Commissioner, not because she wants to, but because she is compelled to, by the Commissioner and swears that she never saw a child at your house during last winter--- a little child a few months old-- never knew or heard of you having had a child by the name of BIRTHA--- And this boy French comes before the Commissioner---not because he wants to, but because he is compelled to and testifies that while he worked there at your house just before last Christmas for two weeks, and that he never saw a child there only a few months old; And this man Doc Turner appears before the Commission--not because he wants to but because he is compelled to and testifies he is your neighbor, lives within speaking distance of you and that he never knew of a child at your house by the name of BIRTHA, or a little baby there early last Spring---Now do you mean to say to this Commissioner that these people have sworn falsely? A: Yes sir.
Q: Then you swear positively that you did have a child at your house last winter by the name of BIRTHA and that it was born on the 7th. day of October, 1905 and died sometime last Spring---do you swear that? A: This Spring gone.
Q: You swear that positively, do you? A: Yes sir.
Q: You know what the penalty is for swearing falsely don't you?
A: I heard what it was.
Q: Well you know it is imprisonment in the penitentiary, don't you? A: Yes sir.
Q: Now you are not making any mistake about this Jackson, are you? A: I am just stating the truth about it.
Q: You are not guessing at the fact that you did have a child like this, last winter are you? A: No sir.
Q: You are not going to come up here after while and say that you made a mistake when you swore before the Commissioner, and stated that you had a child, are you?
A: No sir I will die first. But I have a witness too who knewed her.
Q: Where was BIRTHA buried? A: Up to the grave-yard.
Q: Well give us the name of it?
A: I don't know the name of it, it was in the Creek Nation.

- Q: Have you any other children buried in that grave-yard?
A: I have a step-daughter.
Q: Is that all? A: I forgets. I have a step-daughter and David and Levern and BIRTHA and Nina--Nina is the step-daughter.
Q: All buried there together in the Cemetery, are they?
A: Yes sir, they are buried in the grave-yard.
Q: Buried side by side? A: No, they ain't buried side by side we couldn't get them all in side by side.
Q: Can't you tell us the name of that cemetery? A: No sir.
Q: How far is it from your house? A: It is about two miles.
Q: What direction? A: I think it is North-west.
Q: On whose allotment is it? A: I think it is on Fred Clarke or some of them boys.
Q: Who dug the grave when your daughter BIRTHA was buried?
A: Jim Fields.
Q: How did you come to get permission to bury this child in this cemetery? A: I bought the land in there.
Q: When did you buy it? A: I bought it a little over a year ago, I guess.
Q: Whom did you buy it from? A: Fred Clarke.
Q: Did he give you a deed or any instrument of writing?
A: No sir, he promised to but he didn't.
Q: Is that cemetery near any church?
A: It is about---let's see, a mile or so-- well a mile and a half or two miles from the Cemetery.
Q: And you say that Cemetery has no name? A: Now Fred owns some of the land there.
Q: Well is it an old cemetery or a new one? A: An old one.
Q: And you say it has no name? A: Well I never did know any name except cemetery.
Q: Does the Cemetery belong to any particular church?
A: Well I don't know. * I bought a piece of land there.
Q: Do you mean you bought a lot there in the cemetery?
A: Yes sir.
Q: Is that lot where all of your children are buried? A: Yes sir.
Q: Every one of them? A: Yes sir.
Q: What is the size of that lot? A: I don't know exactly.
Q: Well then these children are all buried in one lot in that cemetery, is that right? A: Yes sir.
Q: Is there any person who attends to digging the graves in that cemetery? A: No sir.
Q: No particular person? A: No sir.
Q: Who has charge of the Cemetery? A: I don't know.
Q: How far is it from your house? A: It is about well a mile and a half or two.
Q: What direction? A: It sits kind a North this way or North-west.
Q: North-west from your house? A: It looks like it is.
Q: On Fred Clarke allotment? A: I guess so, that is where I got the land from.
Q: Does he live close to the cemetery? A: He has got land there, he has been living over there but he is living over here now.
Q: Does he live close to the Cemetery? A: I don't know, let me see, I want to tell the truth first---Oh I couldn't tell you at all there is so many houses around there--I couldn't tell you what is the closest there.
Q: Give me the name of some that is about as close as the others? A: I don't know there is renters there. I don't know their names.
Q: You know some people that live right in there, don't you?
A: I just can't remember, the renters live there mostly.

- Q: Did you have a preacher when that child was buried?
A: No sir.
Q: How long was it sick before it died? A: Oh it was sick mostly all the time.
Q: Did you ever have a doctor during that time? A: Not more than my wife.
Q: How old was it when it died? A: I don't know.
Q: Well now you remember how many months old that child was when it died, don't you? A: I have got to study, you ask me so much questions, I am not for certain.
Q: Well was it a month old? A: It was bound to be more than a month old.
Q: Well was it two months old? A: Well I can't tell you this, my wife said-----
Q: I don't want what your wife said, that is not testimony, I want to know what you have got to say about it?
A: I want to tell the truth.
Q: Well was the child 2 months old? A: I am telling you just exactly what she said---
Q: I don't want to know what she said I am asking you?
A: I can't answer you there, I am telling you just what she said.
Q: I want to know what you have got to say about it--not what she said-- how old do you say that child was when it died?
A: Well according to what she said----
Q: Never mind that--how old do you say it was when it died, not what your wife told you? Have you got anything to say about it Jackson, yourself? A:
A: Well according to her record I can't say anything else--- but the record will tell you exactly how old it is.
Q: I thought you said you wouldn't swear that that record was correct, yourself? A: No, I won't, I said that.
Q: Now was that child a year old when it died? If you don't know, just say so? A: Well to my belief about it--- that is what you want to hear about it---if you want to hear what I think--- well I don't think according to my belief that it could be a year old.
Q: Well then according to your belief could it have been ever two months old when it died?
A: I believe that it was bound to be according to the record.
Q: Now Jackson, don't you know that that record you have got there about the birth and death of this child Birtha is wrong? A: No sir.
W: You won't swear that it is right will you?
A: No, I won't swear it because I didn't write it.
Q: Now here is a child that you say was born at your house to your wife last October and lived according to your story until last March and still you appear or try to tell this Commissioner here that you don't know from your own memory whether that child was ever two months old or not when it died, is that what you mean to say?
Q: You want me to know it what I am talking about don't you?
Q: I want you to know it or don't know it, one or the other.
A: All right---I said according to my account, it ~~was~~ is bound to be ever two months old---I ain't got no recollection at all myself.
Q: Was the child living last Christmas? A: I think so.
Q: Well now don't you know whether it was living or not last Christmas? A: Yes sir.
Q: Well was it or was it not? A: Yes sir---I think it was. I think it was bound to be living Christmas.
Q: Well Jackson don't you know if it was living Christmas?
A: Yes sir.
Q: Then you swear here that you had a child last Christmas that was born in October of last year and that that child was living and at your house last Christmas, is that right?

- A: Yes sir.
- Q: And you swear that that very child was there at your house when this boy William French was working for you last December, do you? A: Oh yes, the child was there.
- Q: Who attended the funeral of that child? A: Jim Fields and myself.
- Q: Who else? A: That is all.
- Q: Just two of you? A: There were women to the house but they didn't go.
- Q: Well give us the names of some of these women?
- A: Alice Brewer, Decey Gaines.
- Q: Anybody else? (No answer)
- Q: Who did you say dug that grave? A: Jim Fields.
- Q: Where did you get that coffin to bury that child in?
- A: We had some scraps of lumber there and we made it.
- Q: You had some scraps of lumber around there and made the coffin? A: Yes sir.
- Q: Didn't you buy anything for that child when you buried it?
- A: We had some black clothes there and put over it.
- Q: Do you mean to say that the people whose names you have given here are the only ones who were there at the house when your child was lying a corpse there? A: Yes sir.
- Q: And that none of the ether of your neighbors saw that child when it was dead? A: I don't know about that, but them is the ones that was there that day my wife sent for them.
- Q: Now you are a member of the Church aren't you?
- A: Yes sir.
- Q: And your wife is a member of the church? A: Yes sir.
- Q: And you have preachers there in your neighborhood, haven't you? A: Yes sir.
- Q: And still you had a child which you say was 6 months old and it died and you never had a preacher there at the funeral? A: I didn't say it was 6 months old.
- Q: Well was it 5 months old? (No answer)
- Q: Answer the question---if you don't know just say so.
- Q: I don't know how old exactly.
- Q: Well according to your recollection it lived several months didn't it? A: Yes sir.
- Q: And you never had a preacher there when it died or at the funeral? A: No sir.
- Q: And according to your story the child had been sick for sometime before it died? A: Yes sir.
- Q: Who was present when that child was born?
- A: I guess-----
- Q: Were you there when the child was born? A: I was there in the room.
- Q: Who was there when it was born? A: Mrs. Cleveland.
- Q: Amanda Cleveland? A: Yes sir.
- Q: Who else? A: My wife.
- Q: Who else? A: Well the children was in the ether room.
- Q: Where was your boy Louis the day that child was buried?
- A: I think he was up to his brothers.
- Q: You think he was right there--he didn't go to school that day? A: When the child was buried---I think he was up there that day.
- Q: Didn't any of your children go to the cemetery when that child was buried? A: No sir.
- Q: How did you take it to the cemetery? A: Took it on a horse.
- Q: Who went with you? A: Jim Fields.

- Q: You know the very spot where that child is buried, don't you? A: I used to know.
- Q: Don't you know now right where it is buried? A: I can go to the place where it is buried all right, yes sir.
- Q: Have you got any tombstone there at that grave?
- A: No sir.
- Q: Is there anything there at the grave to show when it died?
- A: No sir.
- Q: Give me the names of some of your neighbors who saw that child when it was living?
- A: The names of them?
- Q: The names of some of your neighbors who saw that child when it was living? A: Alice Minner.
- Q: Where does she live? A: Right over there at Wybark.
- Q: Near to you? A: Yes sir.
- Q: Who else? A: Adeline Nash.
- Q: She lives near too, does she? A: Yes sir, she was living there but she don't live there now.
- Q: Where does she live now? A: Across the river in Gibson I think.
- Q: Was there anybody else? A: Lots of them.
- Q: Now you say the child died the 4th. night in March, is that right? A: You don't want me to say nothing but what I know myself.
- Q: That is exactly what we want you to do, we don't want you to tell something that somebody else tells you or has told you? Is that what you say now, that the child died the 4th. night in March?
- A: I don't know how to answer that question.
- Q: Do you mean to say then, that it did die then or that it didn't or that you don't know---now which do you say Jackson?
- A: My recollection is very short and of course I want to tell the truth as near as I can and you don't want me to tell anything that anybody else said-- so that is why I want to tell the truth.
- Q: Now just tell the Commissioner whether the child died the 4th. night in March or whether it didn't or whether you know at all when it did die?
- A: Whether I know it died---did you say that?
- A: Whether you know if it died on the 4th. night in March?
- A: I can't recollect the date at all.
- Q: Well then you don't know that the child died the 4th. night in March, do you? Answer the question yes or no?
- A: I don't know it.

Questions by Commissioner:

- Q: Jackson, you said that all of your children including Birtha were buried on that one lot you bought from that fellow?
- A: Yes sir.
- Q: That is true is it? A: Yes sir.
- Q: Birtha is on that lot too? A: Yes sir.
- Q: Why did you first say when you were asked if Birtha was buried along side of the other children---you said, no, we didn't have room for her?
- A: This is what I thought I said, I mean along with our others side by side.
- Q: Why did you answer a minute ago when asked if you could find that grave, you didn't know whether you could or not?
- A: Because I thought maybe the weeds had grown up.

- Q: Jackson will you positively swear---you have stated several times that your memory is poor--- and you have indicated you are going a great deal on what people have told you--- but from your own knowledge do you swear positively you had a child named BIRTHA---that it was your child and that it was living on any one day in this year?
- A: I could say this, I know I am the father of the child and it was living---you want me to say--now mind you-- it was living----
- Q: What is your answer? A: I am so forgetful.
- Q: I will ask you again--is that your answer, now, just that you are so forgetful? Is that your answer to this question?
- A: Yes sir.
- Q: Do you mean to say you are so forgetful you can't say whether or not you had a child of your own named BIRTHA--whether it was living any one day of this year, 1906 and your answer to that question is that you are so forgetful?
- A: I know the child was my child and of course it is wrong for me to say what date----you want me to say that--don't you?
- Q: You have heard what I said---I have given you 9 months, this is the 9th. month---I am not asking you to give any particular date or to stretch a poor memory--- I am asking you if you had a child of your own named BIRTHA born to yourself and your wife and if that child BIRTHA was living in any one day of this year, 1906, ~~will~~ will you swear that? Now what is your answer to that?
- A: I will answer it directly-----Yes sir.
- Q: You positively swear that? A: Yes sir.
- Q: What month was it living in, in this year? Name any one month in this year that you will swear that this child born to yourself and wife, was living in this year---Name any one month of the Nine months.
- A: I have to think and I will tell you---you want the truth don't you?
- Q: I want you to answer what you know--do you know any one month of this year in 1906 from January to September in which you are willing to swear that this child was living, this child of yours and Minda's?
- A: It was living in March.
- Q: You are willing to swear it was living in March of this year are you---no other month? A: No sir.
- Q: Aren't you willing to swear that it was living in February of this year? A: In this year do you mean?
- Q: That is what I am talking about? A: No sir, do you mean any other month in this year?
- Q: Are you willing to swear that this child was living in February of this year? A: Yes sir.
- Q: Are you willing to swear that this child was living in January of this year? A: Yes sir.
- Q: You swear positively that that child BIRTHA, which you positively swear was living in January, February and March of this year, was your own child---a child of yours and Minda Perryman's? A: Yes sir.
- Q: You are not talking about what you think any more, are you--you positively swear that you know it was living in these 3 months, are you? A: Yes sir.
- Q: No chance of your being mistaken, is there? That it lived January, February and March of this year and that it was your own child; you are not thinking now or saying that anybody else said but you will swear positively that it was living these three months?
- A: I am telling you I think it was living up to March according to---of course you don't want me to tell you-----

- Q: All my questions have been plain and I haven't asked you to say what you think or what you have been told but I am asking you to swear positively from your own knowledge whether you know whether this child Birta was your own child and your wife's and lived positively in January, February and March of this year---Do you swear to that now and stick to it? A: I know it was my own child.
- Q: Do you swear positively that it was living in January, February and March of this year?
- A: Yes, according to my belief.
- Q: Why do you say that---according to your belief?
- A: You said January, February and March.
- Q: Why do you say according to your belief now---could you be mistaken about it?
- A: I don't know, I think ---I think for certain that it was living in March.
- Q: I have asked you several times not to think but to answer the question---can you swear positively that you know it was living in March---your own child Birta---can you now?
- A: Yes sir.
- Q: You can do that? A: Yes sir, I think I can.
- Q: There is no thinking or believing about it, you swear positively to it now that you know it, do you?
- A: Well according to it----
- Q: According to what? A: Well according to a person has to believe anything before they know it---according to what she said the date, you knew is what I say about it.
- Q: Do you mean to say that you are so ignorant or so forgetful or so anything else that you would have to rely on what your wife told you in order to know whether your own child was living on any one month in this year?
- A: I just can't remember anything very long.
- Q: Is your memory so short that you can't answer that question whether you had a child named Birta and whether it was living on any one month in this year?
- A: What do you say about that?
- A: Well I will answer it--- Yes, I tell you I had a child named Birta.
- Q: Can you of your own knowledge positively swear, without and thinking, guessing or believing, or relying on anybody else's information, what somebody else told you--- can you swear positively that you had a child named Birta-- a child of your own born to you and your wife that was living in any month in this year? Or on any day of any month of this year, 1906, of which this is now the last part of the 9th. month?
- A: Well I will answer it,---if you want me to be for certain--- I can say according to my belief and what I know about it, and what I have heard about it, that it was living.
- Q: Living when? A: On the 4th. day of March.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Didn't this Notary Public Cooper tell you to say that that child was living on the 4th. day of last March? A: No sir.

Frank H. Walkup being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: Give us your name, age and post-office address?
A: F. H. Walkup. Age 33, post-office, Muskogee.
Q: Are you employed by Mr. Lieber who is acting for the attorney for the Creek Nation, to hunt up enrollment matters relating to citizenship cases? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Did you talk with Louis Perryman yesterday, the witness who testified in this case, today? A: I did.
Q: What if anything did he say to you about his father and mother having a child by the name of Birtha?
A: He was with a little boy apparently 2 or 3 years old that he said was his brother, and he also said he had a little baby brother and I forget the name of that one--- then I asked him if there were any children born between these two and he said No.
Q: Did you ask him anything about whether or not there ever had been a Birtha in their family?
A: No, I didn't ask him that question, I thought I hadn't better ask him too much.
Q: But he did say his mother had no child between the child that was with him at that time and the little baby which she has now? A: Yes sir.
Q: Was that conversation out at Turners house?
A: At Turners house and the boy gave his age to me then as between 14 and 15 years old.
Q: That is Louis himself said he was that age? A: Yes sir.

This is all the evidence taken in said cause on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval.

Subscribed and sworn to before
me this 15 day of October, 1906.

Edward Merrick.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, INDIAN TERRITORY.
SEPTEMBER 29, 1906.

N.B.P.-111.

In the matter of the application for the enrollment of
Birtha Perryman, as a Creek Freedman.

APPEARANCES: John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

MINERVA MAKIN being first duly sworn by Henry G. Hains a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Minerva Makin.
Q: How old are you? A: I don't know sir how old I am.
Q: What is your post-office address? A: Wybark.
Q: You are over 21 are you not? A: Yes, I suppose I am about 23.
Q: Are you a citizen of the Creek Nation? A: Yes sir.
Q: Freedman? A: Yes sir.

Questions by John G. Lieber acting attorney for Creek Nation.

- Q: Minerva do you know Jackson Perryman and his wife Minda Perryman? A: Yes sir.
Q: How long have you known them? A: I can't tell you just how long I have known them, because I have been knowing them all my days.
Q: You have been knowing them 15 or 20 years I suppose?
A: I suppose so.
Q: How close do you live to them at this time? A: I suppose I live something---that is my guess at it--- a little over a mile.
Q: How long have you lived that close to them? A: I lived there pretty near---lets see---about 6 years I reckon.
Q: About 6 years? A: Yes sir.
Q: Are you well acquainted with them? A: Yes sir.
Q: Visit them frequently, do you? A: Yes when I have the time I visit them.
Q: Are you related to either one of them? A: No sir, only just through by marriage.
Q: What relation are you to them by marriage? A: I suppose it is by Minda for Jack I reckon.
Q: Distant relatives of yours are they? A: Yes sir.
Q: About how often, on an average have you been at their house within the past year? A: I wouldn't have time through the week, it was just on Sundays I would go up there and see them I would go up there on Sundays.
Q: Well I mean about how often have you seen them in the past year; that is been at their house, would you say once a week, or once every two weeks?
A: No sir, I couldn't say that because that is a place I didn't have any time to go to---I can't go any place because I

- can't walk out by myself; whenever I go I have to have somebody go with me and I can't only go out on Sundays.
- Q: Were you at their house in the early part of this year?
- A: Yes sir, I was there.
- Q: Do you remember what month it was Minerva?
- A: No sir, I don't.
- Q: Well was it somewhere around New Years day?
- A: What are you talking about?
- A: I am asking you if you were at their house the early part of this year? A: I was there in the Spring.
- Q: Well can you tell the Commissioner what month you were there in the early part of this year?
- A: I don't just know what month it was, when I can get any body to go with me I am up there every Sunday.
- Q: Were you there along about Christmas or New year last gone Christmas or New Years? A: No sir, I wasn't up there New years.
- Q: Were you there along about Christmas?
- A: No sir, I was there the month before Christmas.
- Q: Then how long was it after Christmas before you went there again? A: I just don't know.
- Q: I guess you know some of their children, don't you?
- A: Yes sir.
- Q: What is the name of their youngest child?
- A: If I don't make any mistake it is Herbert. I think it is Herbert.
- Q: How old is Herbert? A: I don't know how old.
- Q: About how old? A: I don't know, I didn't ask the man how old his children is, it is a baby and looks to be, I don't know just how old that baby boy is.
- Q: You know whether it is over a year or a month old, don't you?
- A: Yes sir, I knew it is over a month old and over a year old too.
- Q: When was the last time you were up there to their house, Minerva? A: It has been about a month since I have been up there.
- Q: Well have they had a child born to them lately? A: Yes sir She has got a baby now.
- Q: How old is that baby now? A: Something over a month I think it is.
- Q: Well then this Herbert is not the youngest child they have then? A: No sir it is a little bit of a baby sucking now.
- Q: You don't know its name? A: No sir I don't know this one's name.
- Q: Have they got a little child baby, a boy by the name of Jackson? A: Yes sir, that is the next baby's name I think.
- Q: He is the next one to this little one who is nursing its mother now? A: Let me see-- yes the baby is named Jackson what is next to the other little baby.
- Q: That is the second youngest baby now, his name is Jackson?
- A: Yes sir.
- Q: Now about what aged child is Jackson Minerva?
- A: I just don't know.
- Q: Well is he old enough to walk? A: Yes sir, if I was to tell you how old that child is I couldn't do it because I never did ask the parents.
- Q: Is he old enough to talk? A: I would say that he is.
- Q: You have been at their house frequently since Jackson has been born haven't you? A: Yes sir.
- ~~Q: Have they had any children between Jackson and this little~~
baby they have now? A: They had one born before Jackson.

if I am not making a mistake---let me see--- yes it was a girl.

Q: Born before Jackson? A: Yes sir.

Q: Do you know what the name of that girl was?

A: Lets see---why her name was something but I forget it now- I can't hardly remember what it is. I knew that child's name but I don't know it now to save my life.

Q: How long did that child live Minerva? A: I don't know how long it lived a good while before it died, I went up and seen it and after that I couldn't tell you how long the baby lived?

Q: Well could you tell about how many months---whether it lived a month or two or three or four or how about that?

A: Didn't I tell you I can't tell when the month is out and when it is in.

Q: Now can't you tell whether it was 2 or 3 or 4 or 5 months?

A: All I know the child was born when they were picking cotton.

Q: When did the child die Minerva? A: I don't know sir what month the child died in, but if I am not making no mistake I think about 2 or 3 months, I heard of Minda Perrymans baby dying. I don't want to sit down here and tell a story about something that I don't know, it may be longer than that.

Q: Were you present when the baby died Minerva? A: No sir.

Q: Were you there at the house while the corpse was there?

A: No sir I didn't went at all because I didn't have time whenever anybody is dead, I can't hardly go around because I am plagued with some sort of spells.

Q: Did you receive word from them when the baby died?

A: Not to say that they sent me any word particular, I was to Mamma's and I heard that Minda Perrymans baby died.

Q: When was it buried? A: I don't know sir.

I don't know sir what month it died or when they buried it but I suppose they buried it that day or the next day.

Q: Well your recollection is, although you are not positive of it that the child lived probably 2 or 3 months?

A: Yes or probably longer than that.

It may have lived longer than that---if I could write or either knew when the month is out or in I might could tell something straight about that, but I can't tell that because I don't know. I think the baby was named, if I make no mistake it was Ethel or something near like that.

Q: But you remember that that child you are talking about now was born during Cotton picking time? A: Yes sir.

Q: In the fall of the year? A: Yes sir---what is this month?

Q: This is the last of September, next month is the 1st. of October.

A: It was just about the month that that baby was born.

Q: Well now was it born about a year ago this time Minerva or about 2 or 3 years ago? A: It was this time last year.

Q: Did you ever see the child yourself Minerva? A: Yes sir.

Q: When did you see it and where? A: I saw it at her house the same day.

Q: The same day it was born? A: Yes sir.

Q: When was the last time you saw that child Minerva?

A: When I seen that child again its mother was about stirring around.

Q: I mean was that the last time you saw the child? A: Yes sir

Q: Well now you said a while ago you were ever there about two weeks before Christmas? A: Yes sir.

Q: Did you see that child there at that time?

- A: No sir, the mother of it was gone and I didn't stay there any time after I seen the woman wasn't there, I went just as far as the gate and the other children told me their Mamma had gone off and I went back home.
- Q: When did you go there again Minerva? A: I don't know because I didn't hardly visit up there---it is just when I get somebody to go with me up there.
- Q: Isn't it a fact that you were there in January sometime after New Year or in the same month that New years comes in?
- A: No sir, I wasn't there---I wasn't there New Years or Christmas.
- Q: But you were there two weeks before Christmas? A: No sir I wasn't there then.
- Q: I thought you said a while ago you were there at the house about two weeks before Christmas?
- A: No sir, you ~~asked~~ asked me was I there when the baby was born and I told you Yes it was in this month when the baby was born. But to say I was there 2 weeks before Christmas I don't remember of saying that, because I wasn't.
- Q: You say then the next time you saw the child after it was born was when its mother was up and stirring around?
- A: Yes sir.
- Q: When was that? A: I don't know when that was, I know their Mamma was up, and the second time Minda was off somewhere visiting or to church, I didn't ask the children where their Mamma went.
- Q: Now you were at the house sometime last winter, wasn't you?
- A: No sir.
- Q: Didn't you go there at all last winter?
- A: No sir when it was cold, I never did travel about.
- Q: Now Minerva don't you know as a matter of fact, that that child died in last January? A: I just couldn't tell you when that child died. What month and day it was I don't know.
- Q: Well you say you were up at your mother's house and that she told you that this Perryman baby was dead?
- A: Did I say Mamma told me?---No sir, I didn't, I said I was up to Mamma's and they was talking there about Minda's baby being dead.
- Q: What kind of weather was that when you seen it?
- A: Up to Mamma's? If I make no mistake I think it was in the Spring---if I make no mistake, I am trying not to make none. I heard that Minda's baby had died then.
- Q: How long had the baby been dead when you heard that it was dead? A: I don't know sir.
- Q: Well did they say it had just died the day before or had been dead for sometime?
- A: I don't know sir nothing except I heard them say that Mindas baby was dead and that is all I heard about it.
- Q: You were at your mother's house when you heard that?
- A: Yes, I was at Mamma's house.
- Q: How far does your Mamma live from you?
- A: She ~~didn't~~ don't live so very far, she is near to me.
- Q: Well is it 100 yards or a quarter of a mile or what?
- A: I don't know anything about 100 yards or a quarter of a mile or that but I knew it is only in hollering distance, if I holler loud Mamma will hear me.
- Q: Well when you were up there that time and they told you that Minda's baby was dead, had the farmers planted any crops yet or not? A: I was just thinking whether any farmers were planting or not, or whether my husband was planting or not. I was thinking was they breaking the ground or not---they break the ground before they plant, that is the way mine does any how.

- Q: Minerva you kept some boarders to your house last winter didn't you? A: Yes sir.
- Q: Mrs. Perryman kept some boarders at her house last winter too didn't she? A: Yes sir.
- Q: Do you know what month it was you kept these boarders? A: It was this month.
- Q: A year ago this month? A: Yes sir.
- Q: How long did you keep these boarders? A: I kept these boarders I think 3 weeks.
- Q: Now isn't it a fact that that child while you were keeping those boarders?
- A: No sir, it was born in that time, I will tell you the reason I know it, because I heard it and I hurried off my breakfast and hurried and got my dinner and went over and stayed too late---and I was late in getting supper that is the way I know. I am trying to tell you as plain as I can. I never has done and told a story in my life I wouldn't story for any one.
- Q: Then you know that the child was born while you were keeping those boarders? A: Yes sir.
- Q: Well do you mean it was born in September or October. Next Monday will be the first day of October?
- A: It was in this month because it was at the same time I had gotten pickers and I had some carpenters too and sleeping them there too.
- Q: Do you know of anybody that could probably tell us when that child died? A: No sir, I can't. Pepple may know when it died but I don't know when it died.
- Q: When you were at your mother's house and heard that her baby had died, who was at your mother's house there at that time?
- A: My Sister and Yamma and Step-father and my little grand-boy and I and now who the person was telling it, I just disremember who it was.
- Q: Give me the name of your mother? A: Sarah Barnett.
- Q: Now the names of the other people you have mentioned there?
- A: Ymma Cowans.
- Q: Who else? A: That is all except Simon Barnett and my little grand-boy.
- Q: You don't remember who it was that was telling that do you?
- A: No sir, I don't remember who it was telling about Minta's baby dying.
- Q: Now can you tell when was the first time you were at Perryman's house this year? A: Let me see--- It has been about 2 months I think since I have been to Perrymans house.
- Q: Was that the first time you were at their house this year?
- A: This year? Yes sir, I said it was about 2 months since I have been there.
- Q: Yes I know you did and I asked you if that was the first time you were at their house this year? A: No sir.
- Q: Now tell the Commissioner when was the first time you were at their house this year? A: It has been about three weeks since I have been there.
- Q: You were there 3 weeks ago and you were there 2 months ago?
- A: Yes it has been---lets see--- Yes sir because I remember we all belong to the same lodge and Sister Perryman was there going on the 2 months that we had a speller from the Lodge and so we had to go and see about it and that is the reason I went there about 2 months ago.
- Q: Well how many times have you been at their house this year?
- A: Oh I just don't know sir how many times because I didn't keep account.

- Q: Well you have been there so many times this year you can't remember how many times you have been there?
- A: No sir, I never travel much myself and I had to get one of my sisters to go there with me, because our Lodge requires 2 or 3 and we can't go there one by one.
- Q: What do you mean by saying the Lodge requires more than one to go there? A: Because maybe one of our Sisters might be sick and we can't go and do the work ourselves because 2 or 3 have to go when we go to see our Sisters.
- Q: You went to see her because she was sick? A: No sir, she wasn't sick then, we went to see how she was getting along.
- Q: How long after last Newyear or Christmas was it that you were at their house? A: I wasn't there nary one of these days.
- A: I am asking you how long after New year or Christmas was it that you were at their house? A: I don't know sir.
- Q: Well now it wasn't very long after that that you were there was it? A: I think I been in the bed myself a month.
- Q: When? A: I said I hadn't been to Minda's house because I have been in the bed myself a month.
- Q: A month from when? A: I don't know when.
- Q: Now you have been at their house so often this year that you can't tell the Commissioner how many times you have been there, haven't you? A: No sir. I hardly visits there.
- Q: Then you certainly ought to be able to say how often you have been there during this year? You said sometime ago you visit them frequently? A: No sir.
- Q: Didn't say that? A: No sir, I don't remember of saying that.
- Q: When was the last time you had a talk with Minda Perryman or her husband Jackson Perryman? A: I can't tell you the last time I seen Jackson.
- Q: Well when did you see Minda last.
- A: I don't know when I seen Minda.
- Q: You were up there to the house three weeks ago you said?
- A: No sir, I haven't been there 3 weeks ago.
- Q: Well you were there 2 months ago wasn't you? A: Yes, I was there 2 months ago to see how Sister Perryman was getting along.
- Q: How long had it been before that you were there, before 2 months ago? A: Now just wait and I will tell you if I ain't mistaken I don't think I had been there for 3 months because you see all my folk were busy and I couldn't go and visit.
- Q: Then you had been there 3 months before that? A: Yes sir.
- Q: Two months ago then would have made it the latter part of July that you were there? A: I suppose so.
- Q: Then three months before that would have been the latter part of April that you were there, that was in the Spring?
- A: I suppose so.
- Q: Well now how long was it before that that you were there?
- A: In this year? That was the earliest time I visited up there until about 3 weeks ago, that is if I ain't making no mistake.
- Q: Have you any children of your own Minerva? A: No sir.

ALICE BREWER being first duly sworn by Henry G. Hains a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Alice Brewer.
Q: How old are you? A: 32.
Q: What is your post-office address? A: Wybark.
Q: Are you a Creek Freedman? A: No sir, I am not.
Q: State woman? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Do you know Jackson Perryman and Minda Perryman his wife?
A: Yes sir I am acquainted with them.
Q: How long have you known them? A: I have been knowing them about 15 years.
Q: Are you related to either one of them? A: No sir. I have been married in the family.
Q: How close do you live to them? A: At this time I live about a quarter now.
Q: How long have you been living that close to them?
A: This coming November will be a year.
Q: Then you have lived within a quarter of a mile of them during all this winter? A: From last gone November up to the present time.
Q: Well are you on friendly terms with them?
A: Well just like people generally be.
Q: Do you go to see them sometimes? A: Yes sir I visit them some.
Q: They come to see you? A: Yes sir.
Q: Neighborly? A: Yes sir.
Q: Do you know a child of theirs named Jackson a little boy?
A: They have a little boy that is named Jackson I suppose.
Q: Jackson is about 2 or 3 years old, isn't he?
A: I don't know Jackson's age.
Q: He is big enough to begin to talk now isn't he?
A: I think he is talking.
Q: Did you go to see them shortly after you moved where you are now? A: Yes sir.
Q: About how long after you went there? A: I don't know it was during that month that I moved there I moved there in November.
Q: You think it was during November? A: Yes sir.
Q: Who was the youngest child they had there at that time?
A: Why BIRTHA was the youngest.
Q: How old was BIRTHA? A: I don't know BIRTHA's age but she was living at that time.
Q: About how old? A: She was a right smart chap she was even sitting alone, near about.
Q: Was she several months old? A: It seems like she was.
Q: How long did BIRTHA live? A: Well I don't know, I don't know when she was born but I can tell you when she died.
Q: When did she die? A: She died in March.
Q: How do you remember she died in March? A: Because they said it was in March and I knew it was in March, I guess I know.
Q: Were you there when she died? A: I was at the house right that day---I didn't stay on that place at that time we moved down in the bottom on my home, it is my husband's old place.

- Q: Did you see the child dead--that is the body? A: Yes sir
- Q: Did you go to the funeral? A: I did not.
- Q: What time of the day was it you were there and saw the corpse? A: It died at night.
- Q: And you saw it the next day? A: Certainly I was there I went there the evening before and stayed there until it died at night.
- Q: When you remained how long? A: Until about 2 or 3 o'clock the next day, may be four and came back to my home in Wybark maybe two and a half or 3 miles.
- Q: What time during the night did the child die?
- A: I couldn't tell you what time in the night it was, it must have been 12 o'clock.
- Q: Were you up and awake when the child died?
- A: Certainly I was.
- Q: Did you have a clock there in that house? A: They is not as I know of, I didn't see any.
- Q: You stayed there then until about 2 o'clock the next day?
- A: Yes sir.
- Q: You say you didn't go to the funeral? A: I did not.
- Q: Do you know when the child was buried? A: It was buried sometime that evening but I don't know what time, I left before they went to the Cemetery that day and came home.
- Q: Had they gone to the Cemetery when you left the house?
- A: No sir, I left before I said.
- Q: Who was there at the house when you left there? A: His wife and a young man that went and Perryman himself.
- Q: What is the name of the young man? A: Fields--his son-in-law now. Them was the only men folk on the place at that time.
- Q: Had they placed the body in the box when you left?
- A: No sir, they were making the box.
- Q: Can you swear that that child died after midnight?
- A: I couldn't swear that because I had no time peice, I couldn't tell you that but I suppose it was after 12, I generally hear people say chickens was crowing at 12 o'clock and after that the child died, but for me to say positively it was after that, I couldn't swear to that, because I have seen chickens crowing at Sun-down.
- Q: How then you say the child died in March---what time in March. A: It died the 4th.
- Q: How do you happen to remember that it died on the 4th. of March? A: Because I know it was along the first of the month about and I just remember it was March the 4th. and if I am not mistaken I heard a little boy here about two months age talking about his little sister, that they had the picture of and I asked him how long it has been dead and he said she has not been dead very long, she died the 4th. of March, that is what the little fellow said.
- Q: Is that the only way you remember the child died the 4th. of March? A: No sir, I was there and it was on the 4th. of March. I remember that all right enough---then I have been to the cemetery since that child died, I have a husband who died and I have been there time and again and they are all buried at the same place, and a child died too
- Q: You say you had a husband who died and had a child to die
- A: Yes sir, my child and my husband's child.
- Q: When did yours die? A: My husband died on the 4th. day of April 2 years ago this April gone and the 23rd. of February the child died.
- Q: What year? A: 2 years ago. She died first.
- Q: the child died first and then your husband? A: Yes sir.

- Q: How long after your husband died before this child Birtha died? A: She died this last March.
- Q: How did you happen to go to that house when that child died?
- A: I had been away from home a while and I came back and they told me the child was sick and very sick, and I knew the child was sick ever since I had been hearing of the child, and I went over and of course the morning after its death I came back home to Wybark.
- Q: What did you do at Wybark that day when you got home?
- A: I didn't do anything myself except my house work I have enough work to do.
- Q: Did you buy anything at the store that day?
- A: I did not I went home and taken my rest.
- Q: How long had you been away from home at that time?
- A: When the child died?
- A: Yes. A: I hadn't been away very long, I hadn't been more than 3 or 4 weeks and then came back.
- Q: Where had you been? A: To Paris, Arkansas.
- Q: When did you go down to Paris? A: I went down there on the 4th.
- Q: On the 4th. of what August? A: Yes sir last August a year ago.
- Q: How long did you stay down there at Paris? A: Not longer than 3 weeks.
- Q: Then you came back home? A: Yes sir I came back home and was there quite a while, of course the child was sick quite a while and was up to Cowata, of course, wasn't at home all that time. After I moved from home my husband died and I just travelled around a while.
- Q: But you had just gotten back home when you heard that the child was sick and you went up there to see it?
- A: Yes sir.
- Q: Now where had you been just before you got back home that time when you went to see that child?
- A: I had been to Fort Gibson and came back.
- Q: Then you came from Ft. Gibson to your house in Wybark and went up to Perrymans house? A: I went to Perrymans the next day.
- Q: How long had you been to Ft. Gibson? A: 2 days.
- Q: Where had you been before you went to Ft. Gibson?
- A: I had been nowhere except home at that time before I went to Ft. Gibson.
- Q: Do you mean at Wybark? A: Yes sir.
- Q: You were at home at Wybark and went to Ft. Gibson?
- A: I was there a few days and came back home, I was having my house built I hadn't moved yet.
- Q: Who built your house for you? A: Rube Collins and Mr. Givens.
- Q: Where do they live? A: They live over there by Wybark.
- Q: Who did you go over there to see at Ft. Gibson?
- A: Mrs. Haves she lives at Wybark near Falls City.
- Q: Did you say you went to see her at Ft. Gibson?
- A: Her daughter lives there now.
- Q: What is her name? A: She is married again I don't know her husbands name.
- Q: Was it that daughter you went to see that time you went to Ft. Gibson? A: Mrs. Haves was with her daughter and so I went there.
- Q: Do you know what month that was you were at Ft. Gibson?
- A: Why it was in ---no, I don't know.
- Q: But you remember at that time that these people were building your house? A: They was.
- Q: When was it finished, when you went to Ft. Gibson?

- A: I don't know I never was there until they finished it they were building on it in November, when it was finished up.
- Q: Now you say they finished the house up in November last year? A: Yes sir.
- Q: And that while they were working on that house that you went over to Ft. Gibson to visit Mrs. Naves?
- A: Mrs. Naves and me went over there.
- Q: Whom did you visit? A: We visited a lady there and her daughter at the time, but I didn't know her daughter.
- Q: And you don't know either of their names? A: No sir, but I am acquainted with Mrs. Naves.
- Q: You stayed there two days?
- A: We didn't stay at their house, we went from town to a big picnic and to a festival at night.
- Q: Where was that festival held? A: At a man's house by the name of Mr. Grant.
- Q: How far from Ft. Gibson?
- A: I don't know it was at the edge of town.
- Q: What direction from town? A: Why it was East.
- Q: Now you went down there,---came back again--- was only there in Ft. Gibson two days, is that is right is it?
- A: I think that is all.
- Q: You came back home to Wybark is that right? A: Yes sir.
- Q: And immediately after you got home you received word that this child was sick? A: No sir not right after I got back home.
- Q: Well how long after you got back home? A: I think it was several days after I got back home, it was a right smart while.
- Q: Didn't you tell me not less than 5 minutes ago you had just returned from Ft. Gibson where you had been only 2 days, and that immediately after you returned home from Ft. Gibson you received word that this child was very sick, and you went up to Perryman's house and that very night that child died---didn't you tell me that not over 5 minutes ago?
- A: Well yes sir, it did die. It is probably my mistake. I told you I didn't know exactly how long it was after I came back, that is what I told you.
- Q: Well now let us get it right--- The carpenters were working on your house when you went to Ft. Gibson, is that right now
- A: Yes sir.
- Q: You stayed at Ft. Gibson two days is that right, and went right back to Wybark again is that right? A: Yes sir.
- Q: How long now were you at Wybark when you went to Mrs. Perryman's house to see that sick child?
- A: It was quite a while.
- Q: What do you mean by quite a while? A: It must have been a week or two, of course I have been to Perryman's house a good many times.
- Q: I am speaking about that visit you made to Perryman's house how long was it after you returned from Ft. Gibson?
- A: I don't know exactly how long it was, but it was after I came back.
- Q: Was it as much as a month after you came back?
- A: I suppose it must have been.
- Q: What kind of weather was it at that time?
- A: When I came back it was tolerably cool.
- Q: It was in the fall of the year wasn't it?
- A: Yes it was in the fall of the year when they was building on my house.
- Q: That is when you were at Ft. Gibson? A: Yes sir.
- Q: You only stayed there two days? A: Yes sir.

- Q: And came back to Wybark? A: Yes sir.
- Q: And stayed there how long before you went to see that child One month, two months, three months or a week or how long?
- A: I don't know, I know it was quite a while.
- Q: I am speaking now of the visit you made to these people the day the child died? A: I don't know how long it was after that I was there.
- Q: Tell the Commissioner how many months it was--Don't you know?
- Q: Whether I know or not I am asking you? A: I told you, I don't know.
- Q: Didn't you tell me not less than 10 minutes ago that you went to the perryman's house immediately after you got back from Ft. Gibson, and that it died that night?
- A: No, I told you different places I went and that I went to Perryman's, but I don't know how long it was---I went to Perryman's several times when the child was sick, I don't know whether I was just back from somewhere or not but I went to Perryman's and seen this child.
- Q: Where had you been just before you went to see this child?
- A: First one place and then another, I don't know.
- Q: How long had you been up there that time before you went to see that child, that time?
- A: I don't know, a good little bit. I couldn't tell you that.
- Q: Did you keep house? A: I did sometimes.
- Q: Did you at that time? A: No sir.
- Q: Who were you staying with? A: Vina Canard.
- Q: Where does she live?
- A: Wybark.
- Q: You left her house and went to Perryman's house when this child died is that right? A: Yes sir. I left her house I didn't know exactly how long it was after I came back.
- Q: What condition was your house in at that time?
- A: Why, I don't really know.
- Q: Had the carpenters finished it then? A: Yes they had finished it but I hadn't moved all my things in there I stayed there quite a while.
- Q: Now they had finished your house and you had moved some of your things in? A: I had.
- Q: How long had they finished your house before you moved some of your things in? A: I moved some of my things in before they had really finished it, I moved a stove from my sister's it wasn't warm enough for me to stay there.
- Q: When did you move your things in there?
- A: It was in January when I came completed at home.
- Q: When you quit building at your sisters? A: Yes sir.
- Q: You finished boarding at your sisters as soon as you moved in there, and you have lived there since last January?
- A: Yes sir, January gone.
- Q: And it was while you were boarding at your sisters when you went up to Mrs. perryman's house to see that sick child, and it died that night, is that right---that is right is it?
- A: Yes sir.
- Q: Then that child must have died sometime before last January must not it? A: No, it was March.
- Q: How do you figure it out as March when you tell this Commissioner that you have not boarded at your sisters house since last January and it was while you were boarding at your sisters house that you went to Perryman's to see that sick child, and it died that night---how do you explain that

- A: I don't know, but you are the cause of it, you keep a person where he don't know what he is saying, and when he don't want to really make a mistake.
- Q: Don't you know that these people have told you to swear that this child died on the 4th. day of march?
- A: No sir they have not.

Hughey Perryman being first duly sworn by Henry G. Hains a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Hughey Perryman.
- Q: How old are you? A: 27.
- Q: What is your post-office address? A: Wybark.
- Q: You are a Creek Freedman aren't you? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Do you know Jackson Perryman and his wife Minda Perryman?
- A: Yes sir.
- Q: How long have you known them Hughey? A: I have been knowing them ever since---well I have been knowing Jackson ever since he came to my recollection.
- Q: How long have you known his wife? A: I don't know I could not say positively but I am satisfied it is about 10 or 12 years.
- Q: Are you related to either one of them? A: Yes, I am Jackson Perrymans nephew.
- Q: How close do you live to them? A: I live about 300 or 400 yards I guess, it may be a little further than that.
- Q: In sight of their house? A: Yes sir.
- Q: In Talking distance? A: Yes sir ---well a fellow could holler over there.
- Q: Are you on friendly terms with them? A: Yes sir, friendly terms.
- Q: How long have you been living as close to them as you live now? A: Lets see, it has been about 3 years I reckon. I won't say positively but it has been about 3 years I think
- Q: Then you have been living within hollering distance of them and have been within sight of their house during all of last fall and this spring, wasn't you? A: Yes sir.
- Q: How old is their youngest child? A: It must be about between 3 and 4 weeks old I guess.
- Q: It is a very young baby, is it? A: Yes sir.
- Q: What is the name of the next youngest child they have there at the house now? A: I was told that its name was Birtha.
- Q: You don't understand me---what is the name of the next youngest child at the house there? A: It is Jackson.
- Q: The next youngest child to the one they have now, that you know anything about personally, is Jackson isn't it?
- A: Yes sir.
- Q: How do you know of your own knowledge, of their ever having a child born between Jackson and the baby they have now?

- Of your own personal knowledge, Hughey? A: I don't know it I don't remember of ever seeing the child.
- Q: Do you know of your own knowledge of their having a child to die at their house during last Spring?
- A: I was told there was---for me to know it, I don't.
- Q: You visit at their house frequently, don't you Hughey?
- A: Yes sir, I do.
- Q: Are you there as much as every week?
- A: Well sometimes I am and sometimes I ain't.
- Q: Sometimes you are there oftener than once a week aren't you?
- A: Yes sir.
- Q: You and your wife and Jackson and his wife are neighborly aren't you? A: Yes sir.
- Q: Nothing between you at all? A: Nothing at all.
- Q: Now Hughey hasn't you relations with them in the past year been such that if they had a child born to them last fall, and to die last Spring, that you or your wife would have known something about it? A: It is possible that we could
- Q: But isn't it a fact that if anything like that had happened that you or your wife would have known something about it?
- A: No sir, I couldn't say that---I couldn't answer that--- it might have been that it could have been and me not know it.
- Q: But as a matter of fact you were at their house several times last Winter and in the Spring? A: Yes sir.
- Q: And you never saw a young baby there at that time, did you?
- A: No sir, I did not.
- Q: You never knew of your own knowledge of their ~~having~~ having a child born to them last fall, do you---of your own knowledge? A: No sir, I did not.
- Q: Never knew of your own knowledge of their having a child to die there last Spring, do you? A: No sir, no sir.
- Q: And still during that time you have lived in hellering distance from them---within sight of their house and never saw that child? A: Never seen the child.
- Q: You have been right in their house, haven't you Hughey, during last winter? A: Yes sir, I have.
- Q: In cold weather you would go in their house and in warm weather too? A: Yes sir.
- Q: And never saw that child? A: No sir, I didn't.
- Q: You don't know anything of your own knowledge of their having had a funeral at their house last Spring, do you?
- A: No sir---that if for the knowing of it---I saw No sir.
- Q: Now Hughey did you usually see Minda there when you were there at the house? A: Yes sir.
- Q: You saw her frequently during last year, didn't you?
- A: Yes sir, I saw her quite frequently.
- Q: Now if she had been in such condition during last year that she was going to give birth to a child, you could have told that couldn't you Hughey? A: Yes sir.
- Q: Now did she have the appearance during any time of last year of going to give birth to a child anywhere seen?
- A: I don't remember hardly the time that she wasn't in that fix---a fellow can't hardly remember.
- Q: You would have remembered as close back as last year wouldn't you? A: No sir, I don't believe I remember about that. A fellow can't tell much about it---that is something a fellow can't tell much about.
- Q: If she was in that condition, you don't remember anything about it? A: No sir, I never taken notice.
- Q: And she is your Uncle's wife? A: Yes sir.

Hattie Perryman being first duly sworn, by Henry G. Hains a Notary Public, testified as follows, te-wit:-

- Q: What is your name? A: Hattie Perryman.
- Q: What is your age? A: I will be 21 this coming December.
- Q: What is your post-office address? A: Wybark.
- Q: Do you know Jackson Perryman and his wife Minda Perryman?
- A: Yes sir.
- Q: How long have you known them? A: Well I have known them all my days I guess.
- Q: How close do you live to them? A: Why I live in hollering distance of them I think.
- Q: How long have you lived that near to them? A: It has been about 3 years now, 2 or 3 years.
- Q: Were you living that close to them, during last fall and this last Spring? A: Yes sir.
- Q: What is the name of their youngest child that they now have?
- A: That they have got now?
- Q: Yes. A: Jackson Perryman I think.
- Q: Well haven't they a child younger than Jackson that is now living? A: Yes sir.
- Q: How old is that child? A: I don't know exactly how old it is.
- Q: Well about how old? A: It is about---well it is a month old I guess.
- Q: It is a very young baby? A: Yes sir.
- Q: Then the next youngest that is there at the house, is Jackson, is it? A: Yes sir.
- Q: Now have they had any child born to them between the birth of Jackson and the birth of this young baby they now have?
- A: Not as I know of.
- Q: Are you on friendly terms with them?
- A: No sir, not so very. Not very friendly towards them.
- Q: Well you are at their house frequently, aren't you?
- A: Yes sir, once in a while I goes there.
- Q: You are the wife of Hughey Perryman? A: Yes sir.
- Q: Now you were at their house several times last winter were you not Hattie? A: Yes sir.
- Q: Did you at any time while at their house last winter see a child there about 2 or 3 or 4 months old? A: Yes sir.
- Q: What was the name of that child? A: Birtha Perryman.
- Q: Do you mean to say you saw that child there at their house yourself? A: Yes sir.
- Q: Do you know when it was born? A: No sir, I don't know exactly when it was born.
- Q: Is that child living or dead? A: It is dead.
- Q: When did it die? A: I don't know when it died as I can recollect.
- Q: Were you present when it was born? A: No sir, I wasn't there when it was born.
- Q: Did you ever see the child after it was born? A: Yes sir.
- Q: About when was it born? A: It was born along in cotton picking time I think.
- Q: Of what year? A: Of last year.
- Q: When did it die? A: It died along in the Spring I think.
- Q: Were you present when it died? A: No sir.
- Q: Did you see the corpse after the child had died? A: No sir I did not.
- Q: Did you know that the child was sick? A: Well I knew it had been ailing but I didn't know it was very sick.

- Q: Now tell the Commissioner how often you saw that child BIRTHA after it was born? A: I didn't see it over once or twice.
- Q: Do you swear positively that Minda Perryman had a child born to her during cotton picking time of last year?
- A: Yes sir.
- Q: And that the child was named BIRTHA Perryman? A: Yes sir.
- Q: When was the last time that you saw this child alive?
- A: Well I saw it before it died, I don't know what month it died in, but I saw it.
- Q: Well how long was it before it died? A: Well it was a week or more I guess.
- Q: You didn't go over there after the child died? A: No sir.
- Q: Did you know it was dead at that time? A: I knowed it was dead but I couldn't go over there.
- Q: Why couldn't you? A: Because I was sick myself.
- Q: Sick in bed? A: Yes sir.
- Q: Who told you the child was dead?
- A: Well my husband told me it was dead.
- Q: Can't you give the month that that child died in?
- A: No sir, I don't know exactly what month it died in.
- Q: You say you were sick in bed when the child died?
- A: Yes sir.
- Q: How long were you sick that time? A: I was sick over a week I guess.
- Q: Did you have a Doctor with you? A: No sir.
- Q: Did you buy any medicine when you were sick that time?
- A: No sir, not more than tooth-ache medicine.
- Q: Now HATTIE you are making no mistake when you swear positively that you saw this child BIRTHA with your own eyes, are you? A: Yes, I saw it with my own eyes.
- Q: But you were not present when the child was born? A: No sir, I was not.
- Q: How old was it when you first saw it? A: Well about a week old I guess.
- Q: Well do you know why it was that they didn't come over to get you when the child was born? A: No sir.
- Q: You don't know when it died? A: No sir.
- Q: HATTIE did you ever say anything to your husband about having seen that child, BIRTHA there at ~~your~~ his Uncle's house? A: No sir.
- Q: Don't you think that it is rather funny that your husband's Uncle's wife--living within talking distance of him--would give birth to a child--that it should have lived 6 months--and that he would know nothing about it at all---that is your husband?
- A: I guess it is because he didn't be at home all the time.
- Q: Well he was home last winter, wasn't he? A: Yes sir, often and on he was there sometimes.
- Q: But you say you never told him anything about his Uncle having a new baby there at his house? A: No sir, I knowed he knowed it was to be one there.
- Q: What kind of weather was it when this child died, HATTIE?
- A: It wasn't so cold and it wasn't so hot.
- Q: Do you think you could tell the Commissioner in what month it died? A: No sir, I don't know exactly what month it died.
- Q: Do you think it lived as long as the first of this last March? A: I don't know sir, whether it did or not.
- Q: About how old was it when it died?

- A: Well I guess it was something over a month old I guess.
Q: Something over a month old? A: Yes sir.
Q: Well it was born before last Christmas, wasn't it Hattie?
A: Yes sir.
Q: Well would you say it was as much as 2 months old when it died? A: Yes I know it was something over a month old but I don't know just how old it was.
Q: Well would you say it was as much as 4 months old when it died? A: I don't know sir, I couldn't say that.

Questions by Commissioner:

- Q: How much over a month old was this child when it died according to your best knowledge? A: Well I don't know sir how much.
Q: Was it as much as 2 months old? A: Yes sir, I think so.
Q: Are you sure of that? A: Yes sir.
Q: Was it as much as Three months old?
A: No sir, I don't know how old it was but I am just saying I guess it was as much as 2 months old---it was over a month old any way.
Q: Do you think it was as much as 3 months old? A: Yes, from the looks of it, it looked like it might have been over 3 months old.
Q: From the looks of it did it look like it might be as much as 4 months old? A: Yes sir because it was a very large child.
Q: Did it look as though it could possibly have been 5 months old? A: No.
Q: You haven't got any ill-feeling or anything against any of these people, have you---any scraps on--or fight or hard feeling or anything like that, have you?
A: Yes sir, sometimes we have a little falling out.
Q: Have you any interest in this case, whatever? A: No sir.

This is all the evidence given in said cause on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval

Subscribed and sworn to before
me this 16 day of October, 1906.

Edward Herrick
Notary Public.

L.K.P.

Cr. No. 1088.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Birtha Perryman as a Creek freedman.

DECISION.

The record in this case shows that on May 14, 1906, an application in affidavit form was filed in the office of the Commissioner to the Five Civilized for the enrollment of Birtha Perryman as a Creek freedman. Further proceedings in the matter of said application were had on September 27, 1906 and September 29, 1906.

The evidence in this case shows that the applicant, Birtha Perryman, is claimed to have been the child of Jackson and Minta Perryman, who are identified on the partial roll of Creek freedmen approved by the Secretary of the Interior March 28, 1902, opposite numbers 3635 and 3636 thereof.

There is considerable conflict in the evidence as to whether any such child as Birtha Perryman ever existed. Assuming, however, that such a child was born as is claimed, in the month of October, 1905, the evidence is almost conclusive that it was not living March 4, 1906.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Birtha Perryman as a Creek freedman, and the application for her enrollment as such is accordingly denied.


Commissioner.

Muskogee, Indian Territory,

JAN 29 1907

Cr.No. 1088.

Muskogee, Indian Territory, January 20, 1907.

Minta Perryman,
c/o Jackson Perryman,
Wybark, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Birta Perryman, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register
LM-456.

Gr. No. 1085.

Muskogee, Indian Territory, January 30, 1907.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Birtha Perryman, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-54.

Cr.En-1008.

Muskogee, Indian Territory, January 30, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Birta Perryman, as a Creek Freedman, including the decision of the Commissioner, denying said application.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

LM-32.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

WASHINGTON, February 19, 1907

Refer in reply to the
following
Land
11087-1907
COPY

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 30, 1907, enclosing the record of proceedings in the matter of the application for the enrollment of BIRTHA PERRYMAN as a Creek Freedman, including the decision of the Commissioner, dated January 29, 1907, denying the application.

The record shows that on May 14, 1906, an application in affidavit form was filed in the Office of the Commissioner to the Five Civilized Tribes for the enrollment of BIRTHA PERRYMAN as a Creek freedman.

Testimony was had in the matter of the application on September 27 and 29, 1906. The evidence shows that the applicant, BIRTHA PERRYMAN, is claimed to have been the child of JACKSON and MINTA PERRYMAN, who are identified on the partial roll of Creek freedmen approved March 28, 1902, opposite Nos. 3635 and 3636 thereof. The evidence is conflicting as to whether any such child as BIRTHA PERRYMAN ever existed. Even if such a child was in fact born, as claimed, in the month of October, 1905, the evidence fairly establishes the fact that it was not living on March 4, 1906.

Under Section 2 of the Act of Congress approved April 26, 1906 (34 Stat.L.137), which provides for the enrollment of minors who were "living on March 4, 1906", and whose parents were enrolled as members of the Creek tribe, and as it appears to be conclusively shown that BIRTHA PERRYMAN was not living on March 4, 1906, the Office respectfully recommends that the decision of the Commissioner, denying the application for the enrollment of the applicant as a Creek freedman, be affirmed.

Very respectfully,

C F Larrabee
Acting Commissioner

EWE :D

KLM OK

I.T.D.4280-1907
LRS
Direct

DEPARTMENT OF THE INTERIOR,
WASHINGTON. February 25, 1907

Commissioner to the Five Civilized Tribes,
Musakogee, Indian Territory.

Sir:

January 30, 1907, you transmitted the record in the matter of the application for the enrollment of BIRTHA PERRYMAN, as a Creek Freedman, together with your decision of January 29, 1907 denying the application.

Reporting February 19, 1907 (Land 11087-1907), the Indian Office recommends that your decision be approved. A copy of its letter is enclosed.

Your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson
Assistant Secretary

1 inc and 2 inc for Ind Of

JWH

Cr.En.1058

Muskogee, Indian Territory, March 9, 1907.

Minta Perryman,

 X Jackson Perryman,

 Wybark, Indian Territory.

Dear Madam :--

 You are hereby advised that under date of February 25, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Birtha Perryman, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1086

CR EN 1086

Nb. #118

Enrollment card No 1086

Manuel Bruner

Nb. #118

more evidence

118

217

IN RE 270

Application for Enrollment of
INFANT CHILD

Manuel Bruner

as a citizen of

Greek

Nation.

Approved 190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

May 15-1906

[Signature]
COMMISSIONER

NEW BORN

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Manuel Bruner, born on the 15th day of August, 1905.
(Here insert name of child.)
Name of Father: Frank Bruner, a citizen of the Creek Nation.
Name of Mother: Rosie Bruner, a citizen of the Creek Nation.
Postoffice: Ulenka

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Rosie Bruner, on oath state that I am 19
years of age and a citizen by Adoption of the Creek Nation;
that I am the lawful wife of Frank Bruner, who is a citizen, by
Adoption of the Creek Nation; that a male child was
(Male or Female.)
born to me on 15th day of August, 1905; that said child has been named
Manuel Bruner and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this

14th day ofMay, 1906Dwight A. Shawnee
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Lizzie Millett, a midwife, on oath state that I
attended on Mrs. Rosie Bruner, wife of Frank Bruner,
on the 15th day of August, 1905; that there was born to her on said date a male
(Male or Female.)
child; that said child was living March 4, 1905, and is said to have been named Manuel Bruner.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this

14th day ofMay, 1906Dwight A. Shawnee
Notary Public.

IN RE
THE DEATH OF

Mamuel Brewer

a citizen of the

Green

Nation.

Approved

1

Commissioner.

filed May 15 - 1906
(1)

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Manuel Bruner
(Here insert name of deceased.)
 a citizen of the Creek Nation, who formerly resided at or near
Ulewoka, Ind. Ter., and died on the 6th day of April,
(Here insert name of post office.)
 1906.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }

Western INDIAN TERRITORY District. }

I, Frank Bruner on oath state that I am 23
 years of age and a citizen, by Adoption, of the Creek Nation;
 that my post office address is Ulewoka, Ind. Ter.; that I am
(Here insert name of post office.)
Father of Manuel Bruner
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by Adoption, of the Creek Nation;
 and that said Manuel Bruner died on the 6 day of
(Here insert name of deceased.)
April, 1906.

WITNESSES TO SIGN:

(Must be Two
Witnesses.)

J. C. Johnson
D. Shawnee

Subscribed and sworn to before me this 14th day of May, 1906.

Dudley H. Shawnee
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }

Western INDIAN TERRITORY District. }

I, Lizzie Millett, on oath state that I am 45
 years of age, and a citizen, by Adoption, of the Creek Nation;
 that my post office address is Ulewoka, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Manuel Bruner
(Here insert name of deceased.)
 who was a citizen, by Adoption, of the Creek Nation;
 and that said Manuel Bruner died on the 6 day of
(Here insert name of deceased.)
April, 1906.

WITNESSES TO SIGN:

(Must be Two
Witnesses.)

J. C. Johnson
D. Shawnee

Subscribed and sworn to before me this 14th day of May, 1906.

Dudley H. Shawnee
 Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY.
SEPTEMBER 21, 1906.

N.B.F. 118.

APPEARANCES: JOHN G. LIEBER, acting for M. L. Mott,
attorney for Creek Nation.

In the matter of the application for the enrollment of
Manuel Bruner, deceased, as a Creek Freedman.

Rosie Bruner being first duly sworn by Henry G. Hains
testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Rosie Bruner.
Q: How old are you? A: I was 20 years old the 19th. day of
August.
Q: What is your post-office address? A: Wewoka.
Q: Are you a Creek Freedman? A: Yes sir.
Q: What is the name of your father? A: Manuel Johnson, a
seminole.
Q: What is the name of your mother? A: Polly.
Q: What Creek Indian Town do you belong to? A: North Fork.
Q: Name some of your sisters? A: Josie and Columbia.

The witness is identified as Rose Bruner, opposite Card No.
256.

Q: Have you received your deed to land in the Creek Nation?
A: Yes sir.
Q: Did you ever look at it? A: Yes sir.
Q: What is your correct name, Rosie or Rose? A: Rosie.
Q: You are identified here and enrolled as Ross, is that correct?
A: Yes sir, that is the name as Rosie.
Q: Are you married? A: Yes sir.
Q: What is the name of your husband? A: Frank Bruner.
Q: This man who just left the room? A: Yes sir.
Q: How long have you been married to him? A: It will be
2 years the 15th. of February.
Q: The 15th. day of this coming February? A: Yes sir.
Q: Are you sure of that? A: Yes sir.
Q: Have you ever had any children? A: Yes sir.
Q: How many? A: Two with this one.
Q: Two counting this little boy one here? A: Yes sir.
Q: What is the name of the oldest one? A: Manuel.
Q: When was he born? A: The 15th. day of August.
Q: What year? A: 1905.
Q: How long after you were married was this child born?
A: 9 months after I was married.
Q: Are you sure of that? A: 7 months I guess.
Q: You were married in February and you had this child born in
August is that it? A: Yes sir.
Q: Is Manuel Frank's? A: No sir.
Q: How old was he when he died?
A: He was 3 years & 11 months old.
Q: Did you have a doctor when Manuel was born?
A: No sir, I had a midwife.
Q: What was her name? A: Josie Miller.

- Q: Who else was present when this child was born?
A: Lizzie Millet and my husband.
Q: Is that all? A: Yes sir. My husband and Mrs. Millet and another woman.
Q: What is the name of the other woman? A: Charlotte Paldo.
Q: What is this Charlotte Paldo's post-office address?
A: Wewoka.
Q: How far does she live from Wewoka? A: About 6 miles South
Q: Did you make any record of the date of the birth of this child, did you write it down any place, you or anybody else?
A: No sir.
Q: You don't know that there is any record of the birth of this child any place? A: No sir.
Q: Didn't put it in the bible? A: No sir.
Q: Who was present when the child died? A: Mrs. Millet and my husband.
Q: Anybody else? A: No sir.
Q: Did you make any record of the date of the death? Did anybody write down, to your knowledge, the date of the death of this child? A: No sir, it ain't down anywhere.
Q: What did it die of, do you know?
A: It had taken the fever.
Q: Did you have a Doctor when it died? A: No sir.
Q: Did you buy any medicine at the time of its death?
A: No sir.
Q: Where did you put the coffin for the child? A: Wewoka.
Q: From whom? A: Mr. Long.
Q: Is he an undertaker at Wewoka? A: No sir, he has a hardware store.
Q: Mr. Long of the Wewoka Trading Company? A: Yes sir.
Q: Did you pay cash for it? A: Yes sir.
Q: How much did you pay for it? A: 14 dollars.
Q: Did you buy anything else from him? A: Just a burying out-fit.
Q: Did you buy that from him too? A: Yes sir.
Q: Did you pay for that too? A: Yes sir.
Q: How much? A: The whole thing came to \$14.
Q: Did you have a preacher at the house before the child was buried? A: Yes sir.
Q: What was his name? A: Mr. Quinn.
Q: What is his post-office? A: Wewoka.
Q: Does he live in the town? A: He lives in the country.
Q: How far and in what direction? A: About a mile and a half North.
Q: How long after its death was it buried?
A: It was buried the next day afterwards.
Q: What day of the week was this child born on?
A: Born on Tuesday.
Q: Sure of that? A: Yes sir.
Q: What day of the week did it die on? A: It died on Thursday.
Q: Was it buried on Friday? A: Yes sir.
Q: You are sure of that, are you? A: Yes sir.
Q: Where was it buried? A: Wobletown.
Q: Where is that? A: In the Seminole Nation.
Q: How far is that from where you live?
A: About 4 miles.
Q: Is there any head-board or any mark on the grave?
A: No sir.
Q: Not even the name of the child? A: No sir.
Q: Do you know the man in charge of that burying ground, did any record of that burial? A: No sir.

- Q: Do you know who dug the grave? A: My husband helped dig the grave, and his two brothers.
- Q: How long has this child been dead? A: 9 months the 6th. of this month.
- Q: Are you sure of that? A: Yes sir.
- Q: What is the name of that baby you have in your arms? A: Felix.
- Q: How old is he? A: 9 weeks old.
- Q: When was he born? A: The 4th. day of July.
- Q: What day of the week? A: Friday or Thursday night.
- Q: How far does this Millet woman live from you? A: About a half mile I guess.
- Q: Any kin to you? A: No sir.

Questions by John G. Lieber, acting attorney for Creek Nation

- Q: How do you happen to know that the child died on the 6th. day of last April? A: I just remember the date he died.
- Q: You have nothing that would help you to remember that date, have you? A: No sir, I haven't.
- Q: Is that the first child you had? A: Yes sir.
- Q: What was the condition of the crops at the time this child died? A: The condition of the crops---- People were just farming when he died.
- Q: Well did they plant corn or garden or what were they doing? A: Mr. Millet, Mrs. Millett's husband hadn't planted yet, he was breaking up his ground.
- Q: How long did your child Manuel live, Mrs. Bruner? A: He lived 8 months, he wasn't quite 8 months old.
- Q: Now what day of the week do you say this child died on? A: Died on Thursday.
- Q: You are sure of that? A: Yes sir.
- Q: What day of the month? A: On the 6th.
- Q: What month? A: April.
- Q: This year? A: Yes sir.
- Q: Are you as certain that the child died on Thursday as you are that it died on the 6th. of April? A: Yes sir.
- Q: Satisfied that you are correct in both of those instances are you? A: Yes sir.
- Q: Suppose the 6th. day of last April don't come on Thursday then what explanation have you to make about it, about the child being born on the 6th. day of April and on Thursday?
- A: I am sure it was on the 6th. and on Thursday.
- Q: The calendar of this year shows that the 6th. day of April don't come on Thursday. A: I am sure it was on Thursday.
- Q: Are you sure it was in April? A: Yes sir, I am sure.
- Q: Can you tell the Commissioner how you remember that? A: I remember it in my mind.
- Q: You have got nothing though, that will help you to remember it? A: No sir.
- Q: Who presided the funeral for this child? A: Quinn.
- Q: Can you name some of the persons who were present at the funeral? A: I can't name them but not all.
- Q: Where was the funeral? A: There was a funeral.

Lullie Davis.

- Q: Anybody else? A: Why of course but I couldn't name them.
Q: Name some that are no kin to you, you have named all your kin folk? A: There was old lady Dolly Sanders.
Q: Anybody else? A: Laura Bowlegs.

Questions by Commissioner:

- Q: Was this a 7 months baby Manuel? A: No sir.
Q: You said it was born 7 months after you were married?
A: Yes sir.
Q: Did you go with Frank before you were married? A: Yes sir.
Q: This was not what you call a 7 months baby then? A: No sir.
Q: Now these two letters we have written to you, the first dated May 17, 1906, the Second one September 12, 1906, that you have presented here, now on the one written in May there is some writing about the death down here, do you know who wrote that? A: The Commissioner wrote it.
Q: I don't mean the body of the letter, there is something written outside of the letter, died (same date) 1906, that wasn't written in this office, who wrote that?
A: I don't know sir, I don't know.
Q: Didn't you see that on there before? A: I seen it there when I got that letter.
Q: You didn't get the letter from the Post-office yourself did you? A: No sir, my husband got it and it was on when he brought it home.

The writing referred to is in pen and the original entry was "Died May 6, 1906". Over the word May 6, is written in indelible pencil what appears to be April 22. The April not being very distinct.

- Q: You state you know nothing about this writing here?
A: No sir, I don't.
Q: Well you are advised that that was not on that letter which was written by this office and it was not on that letter when it was mailed, now can you tell us how it got there?
A: That there written with the ink was on there wasn't it?
Q: No it wasn't. Now do you know anything about that written with indelible pencil? A: No sir, I don't.
Q: Don't know who did it? A: No sir, I don't.
Q: How long has your child been dead? A: 9 months.
Q: Are you sure of that? A: Do you mean ever since it died?
A: Yes how long has it been dead, how long ago did it die?
Q: How long has it been dead? A: 6 months.
Q: How do you arrive at that conclusion, you didn't make any record of the birth or death of the child, did you?
A: No sir, I didn't.
Q: Isn't it a fact the only reason you answered that is because it counts up 6 months from April 6 to September 6th?
A: I am not thinking, I am just telling you from the day it died until now.
Q: Is it more than 6 months or less than 6 months?
A: It ain't any more than 6 months.
Q: ~~Is it 6 months or less than 6 months?~~
Q: Didn't you arrive at that by counting from April 6 up to today? A: Yea sir.

- Q: Now stop to count a minute, if it died on April 6 to May 6 is one, May to June 6 is two, June 6 to July 6, is three, July 6 to August 6 is 4, August 6 to September 6 is five, is it October 6 yet? A: No sir.
- Q: It adn't been dead 6 months yet has it? A: No sir.
- Q: You said a minute ago you are sure it was, how do you account for that? A: I counted wrong.
- Q: Are you sure it didn't die in March? A: No sir, it didn't.
- Q: But you didn't make a record and you can't count straight, how can you tell it? A: I looks at the almanac.
- Q: Did you look at the almanac when the child was born? A: Yes sir.
- Q: Where was that almanac? A: At my house.
- Q: Did you get out of bed the day it was born to look at the almanac? A: No sir, I didn't get out of bed, the almanac was brought to me in the bed.
- Q: What day of the week did you say the child was born? A: On Tuesday.
- Q: Did you look at the almanac to see what day of the week this child was born on? A: Yes sir.
- Q: What hour in the night did it die? Did it die in the day or night time? A: In the night about 2 o'clock.
- Q: Two o'clock in the night and when sunlight came it was Thursday was it? A: No sir, when sunlight came it was Friday.
- Q: What day of the week was it buried on? A: Friday on the 7th.
- Q: Well the 7th. of April as shown by the calender came on Saturday, how do you account for that since you had your almanac there and looked at it? A: I had the almanac and looked at it.
- Q: You must have made a mistake then in looking at the almanac didn't you, we have an almanac showing that Staurday comes n on the 7th. day of April, now you are sure it was buried on Friday are you? A: Yes sir.
- Q: You are sure it was buried on the 7th. of April are you? A: Yes sir, that is the way it is in my almanac.

Lizzie Millet being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Lizzie Millet.
- Q: How old are you? A: I am about 42.
- Q: What is your post-office address? A: Newoka.
- Q: Do you know Rose Bruner? A: Yes sir.
- Q: Any kin to her? A: That is my daughter-in-law.
- Q: Did she marry your son? A: Yes sir.
- Q: Were you ever known by the name of Lizzie Bruner, before it was Millet? A: Yes sir.
- Q: You are the mother of her husband are you? A: Yes sir.
- Q: ~~Did you ever know of her when the child was born, sometime~~
- Q: Last year? A: Yes sir.
- Q: What is the name of that child? A: Manuel.

- Q: When was he born? A: Well, only to my recollection I think he was born on the 14th. of August I think. I can't read or write and never could harly keep count or nothing.
- Q: You think he was born over a year ago? A: Yes sir, of course I am not like young folks I can't keep count.
- Q: Who else was present when that child was born besides you? A: Another lady was there.
- Q: What was her name? A: Charlotte.
- Q: Was your son Frank there? A: Yes sir.
- Q: That is all is it? A: Yes sir.
- Q: Was there a calender in the room there when the child was born, or an almanac? A: Yes sir, I expect so they have an almanac.
- Q: Did you see it? A: Yes sir, they has a almanac.
- Q: Did she call for that almanac at the time the child was born and look at it, do you know? A: Yes, I expect she did. I am just telling you what I know.
- Q: Do you know that shedid? A: No sir, I don't know whether she did or not of course I was out and in, you know.
- Q: Were you present when this child died? A: Yes sir I attended on it.
- Q: How far do you live from her? A: About a quarter.
- Q: Did they have any Doctor? A: No sir, I was the only doctor
- Q: Did you buy any medicine Lizzie for this child in its last sickness? A: Yes sir, I got oil and such things.
- Q: Where did you buy these things? A: Wewoka.
- Q: What store? A: Wewoka Trading Store.
- Q: Did you pay for it? A: Yes sir.
- Q: How long has the child been dead?
- A: I guess it has been dead a little over 8 months now, I think so, I am not for sure.
- Q: How do you figure that, what makes you say that?
- A: I can't figure that at all.
- Q: How do you remember it was a little over 8 months?
- A: That is all I can say just April.
- Q: Did it die close to the first part of the year, you know when Christmas comes, don't you? A: Yes sir.
- Q: Was it living Christmas? A: No sir, I don't think it was I am not sure.
- Q: Last Christmas, you don't think it was living? A: No sir.
- Q: You know when New Year comes don't you? A: Yes sir.
- Q: Was the child living then? A: No sir, I am not sure, I am not going to tell anything I don't know.
- Q: What kind of weather was it when it died was it fall or winter or summer or what? A: It was cold.
- Q: Cold weather was it? A: It seems like it was cool.
- Q: Now you know when Cold weather is don't you Lizzie?
- A: Yes sir. I am telling you just what I know, what I don't know I am not going to tell you.
- Q: We want to get at your idea when it died, you were there and everything. Do you go to see them often?
- A: Yes tolerably.
- Q: Every day pretty near don't you? A: No sir, I don't because I have lots to do.
- Q: You drop in on them quite often don't you? A: No sir just once a day I goes over to see them.
- Q: Now Lizzie even if you don't know the exact figures, how did that child look to be about?
- A: It was a good sized child, its mother nursed it until it died.

- Q: Did it live a month? A: It lived over a month.
- Q: You say it was born in August? A: Yes sir.
- Q: You wouldn't be likely to be mistaken then, because you have a big picnic in that month, don't you?
- A: Yes sir, but I don't go to any picnics.
- Q: Did it live 2 months? A: It lived over two months.
- Q: Did it live over 3 months? A: It lived over 3 months.
- Q: Did it live over 4 months? A: I think it did live over that.
- Q: Did it live over 5 months? A: It was a big child and noticed and everything.
- Q: You said you didn't think it lived at Christmas time?
- A: Yes, but I didn't pay any attention to that.
- Q: Don't you know when Christmas comes? You know it is a big day, children talk about Santa Claus and such things wouldn't you be likely to know whether this child was in the world and not under the ground on last Christmas day?
- A: I was in the world, I am certain.
- Q: Wouldn't you know whether it was living or last Christmas? What do you think, was it living or not on last Christmas?
- A: It was bound to be living.
- Q: How long after Christmas was it before it died?
- A: I don't know.
- Q: Was it a long time or a short time after Christmas?
- A: I don't know sir.
- Q: Now your husband is a farmer, ain't he? A: Yes sir.
- Q: Had he started to do any work at all at the time this child died? A: I think he had.
- Q: You said it was cold weather? A: You know some folk start to plow and such things in cold weather.
- Q: Had he started to plant or anything like that?
- A: He might have I am not sure.
- Q: Don't you help him with his farm? A: I rents out there, that is all.
- Q: You know when corn is usually planted, don't you and when cotton is planted, don't you? A: Yes sir.
- Q: What year did your husband plant corn this year?
- A: In March and planted cotton in April.
- Q: You are sure he planted corn in March and cotton in April of this year? A: Yes sir.
- Q: Did this child die when he planted any corn?
- A: No sir, I don't think it, I think that baby died in April.
- Q: Did your husband plant corn at the time this child died?
- A: I don't know.
- Q: Did we have cold weather this April of this year?
- A: Well you know sometimes April do be cold. I don't think you describe it as cold weather, it is usually nice and balmy spring days. We know April ain't no winter month.
- Q: Did you mean that this child died in the winter month when you say it died in cold weather?
- A: No sir, I know April do be cold sometimes in April.

Questions by John S. Bieber, acting attorney for Creek Nation.

Q: Now when was this child when it died? Yes, was it 3, or 4, or 5, or 6 months old when it died without a sickness?

- A: I think it was about 8 months old.
- Q: That was that girl's first child wasn't it? A: Yes sir.
- Q: Wasn't there some talk around there among the family at the time the child died about how old it was? A: I don't know.
- Q: Never said anything about that? A: I expect that they did but I didn't know anything about the family talking.
- Q: You were there when the child died, wasn't you? A: Yes sir.
- Q: How long was it sick? A: It wasn't sick it was puny and drooped down.
- Q: How long was it puny and drooped down? A: Maybe it got that way when it was a month or two old.
- Q: Kept on that way how long then? A: About 8 months until the day it died, it lived to be about 8 months old I am satisfied.
- Q: You are satisfied it was about 8 months old when it died?
- A: I am not for sure but I think it was 8 months old.
- You are asking me for the truth and I am trying to tell the truth.
- Q: You are not sure it died in April either, are you?
- A: Yes sir, I am sure it died in April.
- Q: What makes you sure of that? A: I don't know what makes me sure but I am sure it was in April.
- Q: You don't know how to read or write? A: A: No sir.
- I said I will tell what I know and what I don't know I won't tell.
- Q: You say it died in April just because somebody told you it was April when the child died, don't you? Ain't that the reason you say it died in April, because somebody told you it was April when it died?
- A: Do you suppose I don't know when it is April.
- Q: You say you can't read or write.
- A: Of course I can't read or write, I know I can't.
- Q: You didn't put down the record of the death of this child did you? A: No sir I thought I didn't have any business with it when the father and mother was living.
- Q: Do you know of anybody having made a record of the death of this child? A: I guess the parents did.
- Q: I said do you know? A: No sir.
- Q: How long was it between the death of Manuel and the birth of this other child that the daughter-in-law has?
- A: I don't know.
- Q: You know it wasn't a year, don't you?
- A: No sir, I know it wasn't a year. I just don't know.
- Q: Come on now Auntie and tell us how long it was, you know it wasn't a year, now tell us how long it was? A: I don't know.
- Q: As a matter of fact you are afraid to say, aren't you Bessie? A: No sir, I am not afraid to say but I ain't going to tell any story.
- Q: You are afraid to say because you are afraid of making a mistake, aren't you? A: If I do make a mistake it is not my intent on to make a mistake.
- Q: Who bought the coffin that this child was buried in?
- A: The father did, they made a coffin.
- Q: They bought some things at the Company's Store when the child was buried didn't they? A: Yes, they bought some things.
- Q: You think the child was 8 months old when it died?
- A: I think it was.
- Q: You won't swear you never heard anything more?
- A: No sir, the parents of the child and I tell you more better than I can.

- Q: Who preached the funeral of that child? A: There wasn't anybody preached the funeral, they just went and buried it.
- Q: Wasn't there a preacher there? A: No sir, of course nobody went to any work and hunted up a preacher.
- Q: You were at the funeral, wasn't you? A: Yes sir.
- Q: Who was there who was not related to the family?
- A: There was a good deal there, a few around in the neighborhood.
- Q: Give us the names of them?
- A: Agnes Cyrus, Charlotte Haldo, Ella Bowlegs.
- Q: What day of the week did this child die on? A: I don't know.
- Q: You know it didn't die on Sunday, don't you?
- A: I tell you, I don't know. I don't know what day of the week it died.
- Q: Well now if you don't remember anything like that you certainly can't swear positively that this child died in April can you?
- A: I don't see any reason that I can't swear it died in April, everybody knows it died in April.
- Q: You can swear positively that it died in April but you can't say what day of the week it died on? A: No sir.

Questions by Commissioner:

- Q: Was there any child, that you know of born about the same time it died? A: No sir, I don't know of any.
- Q: Do you know of any people who died close to the time this child Manuel died? A: No sir, I don't know.
- Q: Don't you go to Church on Sundays? A: I sometimes do.
- Q: You know they have church on Sunday, mostly don't you?
- A: Yes sir.
- Q: Wouldn't that fact call your attention to the fact if it was born or died on Sunday, that you would have known it from that? A: No sir.
- Q: Do you know what day of the week it was buried on?
- A: No sir.
- Q: Don't know what day of the week they had the funeral?
- A: No sir.
- Q: Did you get any medicine from the store the day it died?
- A: No sir, I keeps medicine.
- Q: How close to the date of the death of the child, did you get medicine? A: I don't buy nothing but oil and such things.
- Q: Did you buy any the day before?
- A: No sir. I didn't know just what to give it.
- Q: Do you know how long these people were married before this child was born? A: No sir.
- They have a marriage certificate when they got married but I haven't got that you know.
- Q: Do you know whether this was a seven months old baby or not?
- A: No sir.
- Q: You would have known, wouldn't you, if it was?
- A: I don't know.

Frank Bruner, being first duly sworn by Henry S. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Frank Bruner.
Q: How old are you? A: 23.
Q: What is your post-office address? A: Wewoka.
Q: What is the name of your mother? A: Lizzie Millet, used to be Lizzie Bruner.
Q: What is your father's name? A: George Bruner.

Witness is identified as Frank Bruner, on Greek Freedman Roll number 239.

- Q: Did you have a child named Manuel Bruner? A: Yes sir.
Q: How long has it been dead? A: It died this last gone April.
Q: I didn't ask you when it died, I will ask you again how long has it been dead? A: I couldn't tell you.
Q: How old was it when it died?
A: It was close on to 8 months old.
Q: How do you figure that? A: It lacks 9 days of being 8 months old.
Q: How do you figure that, what reason have you for saying it lacked 9 days of being 8 months old?
A: From the time it was born until the time it died.
Q: You figured it then, didn't you? A: Yes sir.
Q: What day of the week was the child born on?
A: I don't know.
Q: You were present wasn't you? A: No sir, I wasn't at the house when it died.
Q: I said when it was born; what day of the week was that?
A: I don't remember.
Q: On what day of the week did it die?
A: I don't know sir exactly, it was in the night, it wasn't in the day.
Q: What day of the week did you have the funeral?
A: Friday I think it was.
Q: Are you sure of that? A: I think it was, if I am not mistaken. It was either Thursday or Friday I am not sure.
Q: How long after its death before you buried it?
A: The next day.
Q: When did it die? A: It died in April about the 5th, day of April.
Q: Is there anything that helps you remember that date?
A: Not as I know of, I am telling you as near as I know.
Q: Have you any circumstance, in fact or anything that will help you remember that that is the date?
A: I knew that is the date.
Q: Have you anything that helps you remember that date?
A: No sir.
Q: Have you anything that helps you remember it died in April?
A: No sir.
Q: You didn't write it down anywhere, did you? A: No sir.
Q: You never have seen any record of the date of the birth or death of this child have you? A: No sir.
Q: Still you claim you can remember it died on the 5th day of April and don't know what day of the week it was?
A: No sir.
Q: Did you go to see that Notary Public about making this affidavit or did he come to see you? A: I want to see him.

Q: Was the affidavit signed and sworn to before him? A: Yes sir.

Q: Signed by Lizzie Millet too and sworn to before him?

A: Yes, all three of them.

Questions by John G. Lieber, acting attorney for Creek Nation

Q: Who swore you and these other witnesses to these affidavits?

A: Nobody but Coody.

Q: Coody who? A: Coody Johnson.

Q: J. G. Johnson? A: Yes sir.

Q: Do you know a fellow by the name of Dudley H. Shawnee?

A: Yes sir.

Q: Did you ever make an affidavit before him?

A: Me and Coody was there together, I don't know which one of them made it.

Q: Which one of them swore you folks to it, Coody or Shawnee?

A: Shawnee.

Q: Then you think Shawnee swore you to it? A: Yes sir.

Q: Did Coody swear you too? A: Coody write it up and Shawnee swore you me.

Q: How much did you pay them for making out these affidavits?

A: \$1.00.

Q: For each one of them Frank or was that for all three of them? A: All three of them.

I have him employed by the year to do my business, he is my lawyer, he does all my business.

Q: What did you pay him that dollar for then?

A: That was including in what I owed him.

Q: You just paid him this dollar on his years salary did you?

A: Yes sir.

Q: Did you buy the coffin that this child was buried in?

A: My mother did, she gave me the money and my brother went and got it.

Q: Where did he buy it? A: He went over to Wevoka, there is two hardware stores there, I don't know which he got it from.

Q: Who paid for it? A: I guess he did, my mother gave me money to pay for it.

Q: You say the child was buried on Friday?

A: It was either Friday or Thursday I couldn't say what day it was, it was along the last of the week, I know.

Q: It died in the night and the next day it was buried?

A: Yes sir.

Q: Did you have a preacher there when the child was buried?

A: Yes sir.

Q: What was his name? A: Quinn.

Questions by Commissioner:

Q: Can you read or write? A: Yes sir.

Q: We have here a letter addressed to your wife in your care written May 17, 1906, did you go to the postoffice and get that letter? A: Yes sir.

Q: Did you take it to your wife? A: Yes sir, I took it to her and she took it and opened it and read it.

Q: Do you know who wrote that "Died same time", on there, 1906 in the corner there? A: No sir, I don't.

Q: Did you ever see that before?

A: I believe I saw it on there when she read it I am not sure. There were several there looking at it.

- Q: Who were those people who were looking at it at that time?
 A: I showed it to Goody the next day I got it on Sunday and I showed it to that fellow Dixon at Weleetka.
 Q: Didn't you say there was someone in the room when she was reading it? A: No sir, nobody but Mamma and she couldn't read or write.
 Q: What is this fellow Dixon's business?
 A: He claims to be a lawyer.
 Q: He is a land dealer, ain't he? A: Yes sir.
 Q: Do you know whether he wrote it? A: No sir.
 Q: Do you know whether Goody Johnson wrote it?
 A: No sir, I don't.
 Q: Did you take that letter to Dixon or Goody the next day after you got it? A: I took it to both of them.
 Q: And left it with them? A: No sir.
 Q: Don't you know whether you wrote on it or not? A: No sir. I won't say they did or did not.
 Q: You took it there and then took it away again, and you can't tell whether it was there when you took it to them or not, that writing? A: No sir, I can't read, you know, it wouldn't do me any good to look at it, I can't read, I can't tell a from b.
 Q: What did you take it down to Goody and Dixon for?
 A: Because Goody fixed it up for me.
 Q: Why did you take this letter to him? A: To read to me.
 Q: Can't your wife read? A: Yes sir. But he said when I got an answer to bring it over to him and I took it over to him to let him read it.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Did your brother buy a coffin from the store there at Wewoka for this child? A: Yes sir.
 Axxix

Questions by Commissioner:

- Q: At the time you took your wife and mother and this midwife before Goody and Shawnee, had your child been dead then?
 A: Yes sir.
 Q: How long had it been dead? A: Over 2 months.
 Q: Are you sure of that? A: Yes sir.
 Q: You are sure it had been dead 2 months when you went to Goody and that other fellow?
 A: Yes sir, when a person don't know anything they just don't know it.
 Q: You know what two months means, don't you?
 A: I know it is quite a good long time.
 Q: Two months is about 60 days, had that child been dead that long before you went to Goody and this other fellow?
 A: I didn't count it.
 Q: According to your recollection of it; did the child die in the month you went there or two months before you went there?
 A: It must have been two months at least, if you state that it was dead over two months, was it not?
 A: Let me study a minute. A: Maybe it was about a month.

This is all the evidence that was taken in said cause on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date.

Julia C. Laval

Subscribed and sworn to before
me this 3 day of October, 1906.

H. H. Harris

Notary Public.

IN RE

Application for Enrollment of
INFANT CHILD*Mamuel Bonner*

as a citizen of

Creek Nation.

Approved 190.....

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

Sept. 24th 1906.

COMMISSIONER.

*Mamuel Bonner
St. Francis, Ariz.
Ariz. Aug
Sept 6 1906*

Mannul Bruner
Son of Frank & Louie
Bruner died
April 6th 1906

COMMISSIONER OF THE INTERIOR
DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED
Apr. 17th 1906

Commissioner

190

Approved

Commissioner
Nation.

as a citizen of

Mannul Bruner

Application for Enrollment of
INFANT CHILD

IN RE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Manuel Bruner, born on the 15th day of August, 1905.
(Here insert name of child.)
Name of Father: Frank Bruner a citizen of the Creek Nation.
Name of Mother: Rosie Bruner a citizen of the Creek Nation.
Postoffice: Uluwaka Ed

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Rosie Bruner, on oath state that I am 19
years of age and a citizen by Adoption of the Creek Nation;
that I am the lawful wife of Frank Bruner, who is a citizen, by
Adoption of the Creek Nation; that a male child was
(Male or Female.)
born to me on 15th day of August, 1905; that said child has been named
Manuel Bruner and was living March 4, 1906
died April 6/1906 Rosie Bruner

WITNESSES TO MARK:

(Must be Two Witnesses.) { A. S. Parovine
O. L. Smith

Subscribed and sworn to before me this 21st day of Sept, 1906.

Mont T. Sharp
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Lizzie Millett, a midwife, on oath state that I
attended on Mrs. Rosie Bruner, wife of Frank Bruner
on the 15th day of August, 1905; that there was born to her on said date a male
(Male or Female.)
child; that said child was living March 4, 1906, and is said to have been named
Manuel Bruner
died April 6/1906 Lizzie Millett

WITNESSES TO MARK:

(Must be Two Witnesses.) { A. S. Parovine
O. L. Smith

Subscribed and sworn to before me this 21st day of Sept, 1906.

Mont T. Sharp
Notary Public.
My Commission Expires July 30/1907

No. 1086.

J. L. De.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Manuel Bruner, as a Creek Freedman.

DECISION.

The record in this case shows that on May 15, 1906, application was made, in affidavit form, supplemented by oral testimony on September 21, 1906, and by further affidavits on September 24, 1906, for the enrollment of Manuel Bruner, as a Creek Freedman, under the provisions of the Act of Congress approved April 26, 1906.

It appears from the weight of the evidence filed in this matter that said Manuel Bruner was born August 15, 1906, and was living on March 4, 1906, and was the child of Frank Bruner and Resie Bruner, whose names appear opposite Nos. 239 and 256, respectively on the approved roll of Creek Freedmen.

The Act of Congress approved April 26, 1906 (34 Stat. L. 137) in part provides:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six. Whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother and allotments shall be made to children so enrolled...."

It is therefore ordered and adjudged that the said Manuel Bruner is entitled to enrollment as a Creek Freedman, in accordance with the provisions of the Act of Congress above quoted and the application for his enrollment as such is accordingly granted.

COMMISSIONER.

Muskogee, Indian Territory.

January 15, 1907

214N

REPORT IN REPLY TO THE FOLLOWING:

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 17, 1906.

Rosie Bruner,

Care of Frank Bruner,

Wewoka, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of an application, in the form of birth and death affidavits, for the enrollment of your minor child, Manuel Bruner, born August 15, 1905, as a citizen of the Creek Nation.

Respectfully,

Rec'd 6/11/06

W. O. Beall

Acting Commissioner.

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

RECEIVED, JULY 27, 1904

WOLF BLIND

Wewaka, Indian Territory,

THE UNIVERSITY OF CHICAGO

Replying to your letter of September 5, 1935, you are advised that you will be allowed fifteen days from date hereof within which to appear at this office with two witnesses to testify relative to the date of birth and death of your minor child, Emanuel Bremer.

Respectfully,

Consistency.

CR. EN 1087

CR. EN 1087

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
March 20-1905

In the matter of the application of Richard Peter for the enrollment of his minor child, Jeannetta Peter as a Creek Freedman.

Richard Peter being duly sworn, testified as follows:

- Q What is your name? A Richard Peter.
Q What is your age? A About 30 years old.
Q What is your post office address? A Clarksville, I.T.
Q You make application for the enrollment of your minor child, Jeannetta Peter, as a Creek Freedman? A Yes sir.
Q When was Jeannetta Peter born? A March 4, 1905.
Q Do you know what day of the week that was? A So far as I can understand it, it was Saturday.
Q What time of the day was she born? A About seven o'clock, in the evening about dusk.
Q You are the father of this child? A Yes sir.
Q What is the name of the mother of this child? A Lilly Peter.
Q You have been lawfully married to Lilly Peter? A Yes sir.
Q Is she a citizen of the Creek Nation? A No sir.
Q Are you a citizen of the Creek Nation? A Yes sir.

By the Commission: The records of the Commission examined and it appears that the witness Richard Peter is identified on Creek Freedman Card, Field No. 556, Approved Roll No. 3047.

- Q Who was present at the time this child was born? A Mrs. Hudson.
Q Who acted as midwife or did you have one? A My mother here.
Q What is her name? A Caroline Callahan.

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Caroline Callahan being duly sworn, testified as follows:

- Q What is your name? A Caroline Callahan.
Q How old are you? A About 44.
Q What is your post office address? A Clarksville, I.T.
Q Is Richard Peter your son? A Yes sir.
Q Do you know Jeannetta Peter? A Yes sir.
Q What relation is Jeannetta Peter to you? A That's my grandchild.
Q Were you present with Mrs. Peter when Jeannetta was born? A Yes sir.
Q Did you attend and wait on Mrs. Peter at the time? A Yes sir.
Q When was this child born? A It was born in the evening.
Q What day of the month? A 4th of March.
Q What year? A This year.
Q Is the mother Lilly Peter living? A Yes sir.
Q She is not before the Commission today, is she? A No sir, she's home.
Q Do you know why she did not come in? A It was drizzling rain this morning and I was afraid for her to come out in the damp, the baby is only five weeks old and I didn't bring her out.
~~Q What was your name before you were called Caroline Callahan?~~
A My name was Bruner.
Q Were you enrolled and filed under the name of Bruner? A Yes sir.

By the Commission: The records of the Commission examined and it appears that the witness Caroline Callahan is identified on Creek Freedmen Card, Field No. 536, Approved Roll No. 2045 as Caroline Bruner.

Q. Is Jeannetta Peter living? A. Yes sir.

Lona Merrick being duly sworn, on oath states that the above and foregoing is a true and complete transcript of her stenographic notes of said proceedings in said house on said date.

Lona Merrick

Subscribed and sworn to before me this 20th day of March, 1905.

Zina Parrish
Notary Public

My Commission expires April 11, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory. March 21, 1906.

In the matter of the application for the enrollment
of Jeannetta Peters as a Creek freedman.

RICHARD PETERS being duly sworn on oath testified
as follows:

- Q What is your post-office address? A Clarksville.
Q You are the same man that came in here about March 20,
1905 and testified about your child? A Yes, I suppose so.
Q What was the name of that child? A Jeannetta.
Q When was Jeannetta born? A March 4.
Q What time of day? A In the evening of March 4.
Q You are sure of that, are you? A Yes, sir.
Q What day of the week, do you remember? A No, sir I can't
remember.
Q The other time you were here you said it was Saturday?
A Yes, sir, I guess it was Saturday, I dis-remember what
day it was.
Q You are the father of that child? A Yes, sir.
Q What is its mother's name? A Lillie.
Q She is not a citizen, is she? A No, sir.
Q Are you? A Yes, sir.
Q Who was the midwife when the child was born? A My mother.
Q What is her name? A Caroline Callahan.
Q The mother has never made any application or ever appear-
ed for the child, has she? A No, sir, she never has been
up here.
Q Why? A Because she did not think it was necessary for her to
come up here.
Q Well the reason because she never came, is that she knew
it was not entitled to be enrolled, isn't it? A No, sir
it was so far from Clarksville for me to get her up here.
Q You are sure that the child was born in the evening of
March 4? A Yes, sir.

I, Harriett B. Arbuckle on oath state that above and
foregoing is a true and correct transcript of my stenogra-
phic notes taken in said cause and on said date.

Harriett B. Arbuckle

Sworn to before me and in my presence, subscribed, this 21 day
of March, 1906.

McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES:
MUSKOGEE, INDIAN TERRITORY.
JUNE 26, 1906.

In the matter of the application for the enrollment of
Jeannetta Peters, deceased, as a Creek Freedman.

Caroline Callahan, being duly sworn, testifies as follows:

- Q: What is your name? A: Caroline Callahan.
- Q: Have you testified before in this case? A: Yes sir.
I am the granny and mid-wife to:
- Q: You are the grand-mother and the midwife in this case?
You are the mother of Lilly and the grand-mother of Jeannett
- A: Yes sir.
- Q: On March 26, you came in here and said the child was born
Saturday night, March 4, 1905, is that right? A: Yes sir.
- Q: Was March 4th. correct? A: Yes sir.
- Q: You also made out an affidavit on the 19th of April, 1905
along with Richard Peters, the child's father in which
you state the child was born March 4, 1905, and gave
testimony, why do you just now hand me this paper that
states the baby was born on the 17th. of March, died
15th. of March? A: My little girl wrote that down.
She may have made a mistake? A: Yes that is the reason
I told her to look at it and get it right.
- Q: Is Jeannetta Peters living? A: No sir, she died close
to the 4th. of March.
- Q: Well how old was the child when she died? A: She wasn't a
year old, she was pretty near, she would have been a year
old in March.
- Q: Did she die before her birthday? A: You say she wasn't
a year old, did she die before her birthday? A: Yes sir.
- Q: About what time did she die? A: What time; let's see,
well she got up to the age that she was born on, she
lived up to the 4th. anyhow.
- Q: You just stated that she didn't live to be a year old?
How much did she lack of being a year old? A: She lacked,
let's see, a month, I believe.
- Q: Well she must have died in February then? A: No, she
died in March.
- Q: Do you know what time in March? A: What time that paper
states on there. (Referring to slip of paper exhibited)
- Q: That paper states the baby was Born 17 of March, died 15
of March.
- A: The girl could read you see and I told her to put it down.
- Q: This would indicate that she lacked 2 days of being a year
old. A: Yes sir, that is right.
- Q: Last year you swore positively that the child was born
on the 4th. of March and if it had lived within 2 days
of being a year old, it would have died on the 2nd. of March
- A: Of course, I can't read you know.
- Q: Do you know the days of the month? A: I don't know
exactly the day of the month.
- Q: Do you know what day today is? A: I don't know what date
of the month it is, you see I can't read.
- Q: Do you know what day of the week this child died? A: It
died on Friday-- Saturday-- Sunday.
- Q: Which one, you said Friday, Saturday, Sunday?
- A: It died Sunday morning. I can recollect that clear,
Sunday morning it died.

- Q: What time of the night did it die? A: The sun was a good ways up when it died, let's see, in the afternoon.
- Q: Afternoon on Sunday? A: Yes sir.
- Q: Don't you know one month from another? A: Yes, I know the months, but I can't recollect the date of the month.
- Q: What month is this? A: This month, let's see, this month is-- the next month is July, but I forget what month this is.
- Q: You know when Christmas comes, don't you? A: Yes sir.
- Q: Was this child living then? A: Yes sir, it was born last March.
- Q: Was it living Christmas time? A: Yes sir.
- Q: Then the next month is January, was it living in January? A: Yes sir.
- Q: And the second month is February, was it living then? A: Yes sir, it lived until March.
- Q: What time in March? A: I couldn't tell what time it was, that paper tells what time it was.
- Q: Were you present when the child died? A: Yes sir, I was right there. We were staying right close together.
- Q: Did they have an undertaker when this child died? A: Not much of a funeral.
- Q: Did they have any preaching at the funeral? A: No sir, they didn't preach the funeral.
- Q: Didn't have any undertaker? A: Yes sir, they had a preacher.
- Q: What was his name? A: I forget his name, I didn't know him good, I know he was a black man.
- Q: Well who else was at the burial except yourself and the preacher? A: A good deal of them was there.
- Q: Name some of them? Was Richard Peters there, the father of the child? A: Yes sir.
- Q: Was the mother of the child there? A: Yes sir.
- Q: Where is she now? ~~XXXXXXXXXXXX~~ She never has appeared in this case? A: I told her to come today, I had the wagon, but she wouldn't come.
- Q: Do you know why she wouldn't come? A: She is shame faced to come, I don't know why, she don't want to come ~~xxxx~~ some way or another.
- Q: She is a state woman is she? A: Yes sir.
- Q: Is she married to Richard? A: Yes sir.
- Q: Have they got a marriage license? A: Yes sir.
- Q: Not with you? A: No sir, its mother has it.
- Q: When was this child buried, what day of the week? A: It was on a Monday.
- Q: How long had it been dead then? A: It has been dead now a year.
- Q: How long has it been dead when they put it in the ground? A: They kept it over night.
- Q: Just over night did they? A: Yes sir.
- Q: Why do say it has been dead a year now? A: It ain't been dead a year.
- Q: Why did you say that? A: I just said it because I didn't think.
- Q: Now tell how long the child has been dead? A: It died on Sunday and was buried on Monday.
- Q: It only lived a few days, did it? It was born and then died right away, did it? A: No sir.
- Q: How long did it live? A: Well it lived up to 2 days of being a year old.

- Q: Where did they buy the coffin, do you know? A: He had it made.
- Q: Who made it? A: Mr. Paine, a man that lives right close.
- Q: What is his other name? A: Jim Paine.
- Q: I think it is Jim Paine. I think Frank knows.
- Q: This boy out here? A: Yes sir.
- Q: Where is she buried? A: Right the other side of my house on the other side of Paines, on his place.
- Q: Is there any head-board on the grave? A: Yes sir.
- Q: Any mark on that as to the date of the birth and death? A: Yes sir.
- Q: Do you know whether the date of the birth and death of this child is written down any place? ~~xxxxxxxxxxxxxxxx~~ ~~xxxxxxxxxxxxxxxx~~ His father has it, I think.
- Q: What is that written in? A: It is written in a book.
- Q: In the bible? A: Yes sir.
- Q: Who wrote it? A: I don't know exactly, but I heard him say he has got it written down.
- Q: Her father Richard isn't here today is he? A: No sir, he didn't come today, I tried to bring Lily, but she would not come.
- Q: How how many months ago did this child die? A: How many months?
- Q: Yes? A: It will be 6 months since he died, I think it is I can't tell you exactly. Well it died in March.
- Q: Well about how long ago was it? A: It ought to be 6 months or 4 or 5, I can't tell exactly.
- Q: How long ago did it die? A: I forget how many months now since it died.
- Q: But you think it was 6 or 4 or 5, is that your answer? A: That is what you said a minute ago.
- A: Yes sir. You mean how long since it has been sick?
- A: I never kept account of the months, I couldn't exactly tell you.
- Q: You couldn't tell me what month it died in could you?
- A: It died in March.
- Q: Did it die the first of March? A: No sir, not the first day.
- Q: Did it die the second day of March? A: The second, it was the 4th day of March.
- Q: Who told you to say the 4th day of March? A: Nobody told me.
- Q: How can you say it, you don't know anything else about dates, you don't know how long it was? A: No sir, I don't know exactly.
- Q: How can you say the 4th of March, unless somebody told you?
- A: I told her to put it on the paper there.
- Q: Who put it on that paper? A: Lily my little girl and Richard told her to put that on that paper so you all could see.
- Q: How old is this little girl Lily? A: 15 or 14. She is well educated.
- Q: She don't write like she is, there is no sense in that, there is no year given there?
- A: That is what I see.

Frank Trotter being first duly sworn testifies as follows:

- Q: What is your name? A: Frank Trotter.
- Q: How old are you? A: 21.
- Q: What is your post-office address? A: Clarksville.
- Q: Do you know Richard Peters? A: He is my brother, I reckon I know him.
- Q: Do you know a child of his named Jeanetta? A: Yes sir.
- Q: Do you know when that child was born? A: I don't know exactly when it was born, I think it was March 17th.
- Q: Well now Richard has testified positively, both in affidavit and in testimony, that the child was born in the evening of March 4, 1905 how can you say it was March 17th.
- A: I don't know exactly when it was born.
- Q: What made you say the 17th. of March? A: I said I didn't know exactly, I think it was born on the 17th.
- Q: Why do you say it was the 17th. when he testified so positively that it was March 4th., 1905?
- A: I saw it on that piece of paper.
- Q: This paper that the little girl wrote? A: Yes sir.
- Q: Is that all you know about it? A: Yes sir.
- Q: This paper gives no years, it simply says, "Baby born 17 of March, died 15 of March".
- Q: Do you know what that means? A: I don't know what that means, the way I look at it I thought it meant the child was born March 17, 1905 and died March 15, 1906.
- Q: You don't know if it was born and died at that time?
- A: No sir.
- Q: Were you at the funeral? A: I was sitting up but I wasn't at the funeral.
- Q: What day of the week was it you were sitting up with the dead baby? A: I don't remember now what day it was.
- Q: You ought to be able to tell that. A: I don't know exactly what day it was.
- Q: You don't know whether it was a week day or Sunday? A: I know it wasn't on Sunday, it was in the week all right but I don't know what day.
- Q: How long ago was it? A: It has been a good while now.
- Q: About how long ago was it, you sat up with the dead baby?
- A: I couldn't tell you how long it was, I ain't been keeping count, I couldn't exactly tell.
- Q: I didn't say "exactly", I am asking about how long?
- A: I don't know just how long.
- Q: Was it 6 months ago?
- A: I don't think it was that long.
- Q: Was it 5 months ago? A: It was somewhere along there.
- Q: Who made the coffin? A: A fellow by the name of Frank Paine.
- Q: This old lady said Jim Paine, she was mistaken in the name was she? A: Yes sir, it was Frank Paine.
- Q: Who hired him to make that coffin? A: Richard Peters.
- Q: How much did he pay for it? A: He paid a dollar for it.
- Q: Who took the coffin to the grave-yard? A: A fellow by the name of Callahan, this woman's husband.
- Q: How did he carry it, in his arms? A: Carried it in a wagon.
- Q: How far did he have to go? A: About a half a mile.
- Q: Do you know whether he was paid anything? A: No sir, he wasn't paid.
- Q: He was the grand-father of the child, was he? A: Well, I don't know sir.
- Q: Wasn't this old lady the granny? A: Yes sir.

- Q: So Frank Paine made the coffin for a dollar? A: Yes sir.
- Q: Does he live in your neighborhood? A: Yes sir.
- Q: Do you know whether anything was bought from the store about the time of the funeral, any clothes or anything like that? A: I don't know sir.
- Q: Did you ever hear of any record having been made of the birth or death of this child, anything written down anywhere?
- A: No sir.
- Q: Never heard of it. Do you know who wrote this piece of paper here written with a pencil? A: No sir.
- Q: You stated that all you know is what you know from it?
- A: All I know is what I seen on it.
- Q: Who wrote that? A: I don't know who wrote it.
- Q: You saw it with Mrs. Callahan here, did you? A: Yes sir that is the first I saw of it.
- Q: You don't know how that happened to be written, whether they wrote it from a book or by being told? A: No sir.
- Q: Richard or Lula, neither of the parents are here today are they? A: No sir.
- Q: Do you know why they are not here today? A: No sir, I don't know why they didn't come in. I don't know just how long the child lived, myself.
- Q: You live in that neighborhood, don't you? A: Yes, but I don't stay there all the time.
- Q: But you have seen that child there at the house? A: Yes sir.
- Q: You never saw it walking did you? A: No sir.
- Q: What is your best impression as to how big the child was when it died? A: It wasn't very big.
- Q: Was it a month old? A: I couldn't tell you.
- Q: Wouldn't you know the difference between a child a month old and the difference between a child a year old?
- A: Yes sir, I would know the difference.
- Q: Did that child live more than 6 months? A: I don't know for certain, I think it did though, you see I didn't stay around there.
- Q: You saw the child more than once, didn't you? A: Yes sir.
- Q: Do you recollect whether the child was living last Christmas?
- A: Last Christmas?
- Q: You could recollect that couldn't you? A: Yes sir, I can recollect that.
- Q: Was it living last Christmas? A: Yes sir, it was living last Christmas.
- Q: Did it live any time during this year? A: Yes sir.
- Q: How long? A: I don't know sir, how long.
- Q: Couldn't you say whether it was living a long or a short time, whether it lived a short time, or whether it lived months? A: Well it lived a pretty good while, it might be something like that. I couldn't tell you, a month or two something like that. I wasn't sure of the time, I don't know much about it myself, that is the reason I am telling you.
- It looks like if the mother of the child wouldn't come in, they ought not to get anything.
- Q: Both Caroline Callahan and Frank Trotter are advised that this office desires further testimony in this matter and that the mother and father of the child, together with Frank Paine and any other witness who knows the date of the birth or death of the child, should come in here at an early date and that they should bring with them any records they might have, any written evidence, anything written in any books about the birth or death of the child.

Caroline Callahan, being recalled, testifies as follows:

- Q: Now Ansty, you were around that child all the time when the child was born? A: Yes sir.
- Q: Don't you know as a matter of fact it didn't live very long?
- A: No sir, it didn't live very long after it took sick, it lived a week.
- Q: What did it die of? A: What kind of sickness do you mean?
- Q: Yes? A: We couldn't tell exactly whether it had the fever or not. It had the fever for one thing, it looked like it died with worms, it choked to death.
- Q: It died a week after it got sick? A: Yes sir, it lived a week.
- Q: How old was it before it got sick, how long after it was born before it got sick? About how big a baby was it when it first took sick? A: It was walking about.
- Q: Did that child ever walk? A: Yes sir, trying to walk. Trying to stand alone about the chairs.
- Q: Did it take sick before or after last Christmas? A: After last Christmas.
- Q: How long after Christmas? A: I couldn't exactly tell you how long after Christmas, his father would have to come and tell you that.
- Q: Did they have a doctor for the child when it was sick?
- A: No sir, just what little doctoring they did themselves and one man was trying to doctor there.
- Q: What was his name? A: I don't remember now.
- Mr. Holmes he gave it a little medicine once in a while.
- Witness is advised that he should tell Mr. Holmes to come in to give testimony)
- A: He went off, he was just a hired man, he is gone away.
- X: He was there and he dug the baby's grave, he has gone away now.
- Q: You couldn't find him now? A: No sir, the last time I heard from him he was in Wagener.
- Q: Do you know his full name? A: No sir, I don't know the last part of his name, all I know is Holmes.
- Q: He hasn't been there lately has he? A: No sir, he has been gone going on 2 months. He was there when the baby died. He didn't leave from my house for one or two months afterwards.
- Q: He has been gone two months and he left about two months after the death of the child, is that right?
- Q: Do you mean when he dug the grave?
- Q: How long before he left that part of the country?
- A: Going on two months, since he left our house. He just walked off, I don't know where he went to.
- Q: Was it two months or a less than two months since he went away can you come a little closer to it?
- Q: He gave the baby medicine when it was sick and he dug the grave you say? A: Yes sir.
- Q: You say he left there 2 months after he dug the grave, how close was it to two months, was it pretty near two months or fully two months?
- A: Yes sir, about 2 months now since he left down there.
- Q: Had the child been dead two months when he left? A: No sir.
- Q: Now Ansty, you said 2 months a minute ago. After he dug the grave for the baby how long was it before he left?
- A: I don't know exactly.
- Q: You said 2 months ago, wasn't that right? A: I said 2 months since he left my house.

- Q: You said a minute ago, after he dug the grave?
 A: It has been going on 2 months since he left the house.
 Q: Now do you know whether any medicine was bought for that baby? A: Yes sir, Richard bought some.
 Q: From what store? A: It was Stift.
 Q: He is a doctor too ain't he? A: Yes sir.
 Q: What did he buy from him for the ailments of that child do you remember? A: I can remember that he bought some medicine the last time, but I believe the child died before they could give it to it.
 Q: They give it medicine all the time, every day.
 Q: And he bought some medicine from Stift, has Stift got a drug store? A: Stift & Sons.
 Q: That is in Clarksville? A: Yes sir.
 Q: Did they pay for the medicine always? A: Yes sir, Richard paid for it.
 Q: Did he pay for it every time he brought it? A: Yes sir.
 Q: You don't know whether any entry was made on the books?
 A: No sir, I don't know.

Frank Trotter, being recalled testifies as follows:

- Q: The only thing you know about this case is that paper, and this is the first time you saw it and you are testifying from that? A: Yes sir.
 Q: What do you do for a living? A: Work on the railroad mostly.
 Q: Did you work on the railroad in January, this year? A: No sir.
 Q: Did you work in February this year, that short month?
 A: No sir, I started in on the 4th. of March.
 Q: Are you sure about that? A: Yes sir.
 Q: You wouldn't work on Sunday would you? A: Yes sir I worked on Sunday.
 Q: What makes you remember that you started to work on the 4th. day of March? A: That is the time I started.
 Q: Did you work all day on the 4th. of March? A: No sir, I just started to work on the 4th. of March. I didn't work that day. I didn't get there in time to start, I got there in the evening and I couldn't start that day any more.
 Q: Do you know what day of the week it was you got there to start on the 4th. of March? A: No sir.
 Q: If it was Sunday you would remember it? A: I don't remember that.
 Q: Wouldn't remember if it was Sunday? A: No sir.
 Q: Did you work all the rest of the month? A: Yes sir, I worked all the rest of the month.
 Q: Did you get paid for it? A: Yes sir.
 Q: How much did you get a day? A: \$1.50.
 Q: What was the name of the paymaster who paid you?
 A: A fellow by the name of Beard.
 Q: What road was that on? A: Katy, The extension of the Katy, out that way.
 Q: Did you sit up with this dead girl before you began to work on the railroad? A: Yes sir.
 Q: Do you remember that? A: Yes sir, I remember that.
 Q: You began working in March on the railroad, on the Katy branch? A: Yes sir.
 Q: And this child had died when you went to work? A: Yes sir.

- Q: If you had been at work you couldn't hardly have gotten away from there to sit up with that child could you?
- A: No sir.
- Q: How far is it, this house where the child lived from your work? A: About 40 or 50 miles.
- Q: Is it this far from where this child lived? A: Yes sir.
- Q: So if you would have come 40 or 50 miles to sit up with that baby, you would have remembered it wouldn't you?
- A: Yes sir.
- Q: How long before you went to work there was it when you sat up with that dead baby? A: I don't know.
- Q: Was it a question of a long or short time? A: It was a kind of a short time.
- Q: Was it as much as a week? A: I don't know sir.
- Q: You know it wasn't just the day before you went to work?
- A: No sir, I knew it wasn't just the day before.
- Q: You know it was more than a day before, at least?
- A: Yes sir, I knew it was more than a day.
- Q: It might have been three or four days? A: It might have been longer than that.
- Q: Did you go to work the next day after you got there? You say you got there the 4th. of March in the evening, you went to work the next day did you? A: Yes sir.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and correct stenographic transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval

Subscribed and sworn to before
me this 26 day of June, 1906.

W. H. Harris
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUNDOCKE, INDIAN TERRITORY.
JULY 2, 1906.

In the matter of the application for the enrollment of
Jennetta Peters, deceased as a Creek Freedman.

NP--685.

Richard Peters being first duly sworn, testified as follows:
Questions by Commissioner,

- Q: What is your name? A: Richard Peters.
Q: Have you testified in this case, before? A: Yes sir.
Q: Didn't you come in here in March 1905, a year ago this
gone March and testify that you had a child named Jennetta
Peters? A: Yes sir.
Q: And born March 4, 1905? A: Yes sir.
Q: You made an affidavit too, didn't you? A: Yes sir.
Q: Is that child living? A: No sir, it is dead.
Q: At the time you made application for this child it was
living was it? A: Yes sir.
Q: You remember the first time you came in you stated that
it was born March 4th. well did it die right after that?
A: No sir.
Q: How long did it live altogether? A: Well it lived up
to this last gone March.
Q: I didn't ask you what date the child died on, I asked you
how long the child lived, a hundred years or a year, six
months or what? A: It lived a little over a year before
it died, as near as I can get at it.
Q: Is Frank Trotter your brother? A: Yes sir.
Q: Your brother came in here and swore positively he sat up
with that dead baby, did he do so? A: Yes sir.
Q: Frank stated among other things, that he went to work
sometime after that baby died? A: Yes sir.
Q: Do you remember about that? A: What kind of work did he
say he went to work at?
Q: On the railroad for the extension of the Katy? A: Yes sir.
Q: When was your ~~brother's~~ child born, when was
Jennetta born? A: March 4th, this last gone March on the
4th.
Q: When did she die? A: This last gone March the 15th.
Q: What day of the week was it born on? A: I can't think of
that, I don't exactly remember what day of the week.
Q: Have you ever been in jail? A: Yes sir.
Q: What for? A: Soused of stealing or store robbing.
Q: Is that the only time you were in jail? A: That is the
only time.
Q: Never been in jail for false swearing, have you? A: No sir.
Q: Never for that. How long have you been out of jail?
A: Oh, I can't tell it has been quite a while, it has been
a long time about 10 years or longer.
Q: How long were you in? A: Just one night and part of the
next day.
Q: What did you steal? What did you get out of it?
A: I didn't get anything, they just soused us wrong.
Q: Then you came into the office again this year, do you
remember that? A: Yes sir.
Q: Was that child living at that time? A: No sir.

- Q: How long had it been dead then? A: I don't exactly remember.
- Q: You remember of your coming in and that you gave testimony like you are now, sometime this year, don't you? A: Yes sir.
- Q: How long had that child been dead then, had it been dead 6 months? A: I don't exactly know what time it was I came in here, if I knew exactly when I came in I could tell you.
- Q: It is not necessary that you should know what time you came in here, we have it in the records, it is not necessary you should know that in order to answer that question, you remember you came in here? A: Yes sir.
- Q: You have stated two or three times that you remember that? A: Yes sir.
- Q: You know the child wasn't living when you came in here? A: Yes sir.
- Q: How long had it been dead, approximately as close as you can come to it, had it been dead 6 months, 3 months a year or what? It is not asking you down to the day how long it had been dead about up to the time you came in here to testify this year? A: As close as I can get to it it had been dead about a month, I suppose, as near as I can get to it.
- Q: Are you sure it hadn't been dead two months? A: It might have been probably two months, but I wouldn't say positively.
- Q: Could it have been any less than a month? A: Well it might have been less than a month.
- Q: A little bit, eh? A: Yes sir.
- Q: Could it have been as little as a week? A: I don't know, probably.
- Q: Why, if it could have been as little as a week, why did you answer my question by saying it was a month, don't you know there is a big difference between a week and a month?
- A: Just let me get my mind clear on it and I can tell you. It couldn't be much shorter than a month, it was more than a week though.
- Q: It couldn't have been much shorter than a month, why not?
- A: Because I am mighty near certain about it, it seems to me like it might have been three weeks or a month after it died, when I came in.
- Q: That is your best judgment? A: Yes sir.
- Q: Three weeks or a month after you came in here? A: Yes sir.

(The records in this office show that Richard Peters testified in this case on March 21, 1906)

Lily Peters being first duly sworn, testified as follows:
Questions by Commissioner.

- Q: What is your name? A: Lily Peters.
- Q: How old are you? A: About 21.
- Q: What is your post-office address? A: Clarksville.
- Q: You are not a citizen of any Indian Tribes are you? A: No sir.
- Q: Are you married? A: Yes sir.
- Q: What is the name of your husband? A: Richard Peters.

- 3-
- Q: How many children have you had by him? A: Two.
- Q: What is the name of the first one? A: The first one was named Rebecca.
- Q: Is it living? A: No sir.
- Q: Is it enrolled? A: No sir.
- Q: When was Rebecca born? A: I disremember, it has been about 2 years ago I think, I disremember when she was born.
- Q: You haven't got a very good memory have you?
- A: No sir, I am awful forgetful.
- Q: How long did it live? A: About a year and a month old. I forget how many months, I know it lived a year or something.
- Q: How long ago did it die? A: Which the first one?
- Q: Yes? A: Oh I couldn't tell exactly.
- Q: About how long? A: Two years ago. It is more than that I guess. About 2 years I think or a little over.
- Q: And it was about a year old when it died? A: Yes sir, a little over a year.
- Q: What was the name of the next one? A: Jeanetta.
- Q: When was Jennetta born? A: She was born in March.
- Q: Do you know what date? A: No sir, I couldn't tell you.
- Q: What year? A: I couldn't tell nothing about that either.
- Q: Is she living? A: No sir.
- Q: How old was she when she died? A: I couldn't tell you exactly.
- Q: Was it a week, month, year or what? A: She was over a week old, I know, she might have been a year old for all I know, I didn't keep account of it at all.
- Q: You can tell the difference between a week and a year?
- A: Yes sir.
- Q: Which was she closest to, a week or a year? A: A year.
- Q: Do you know whether she was over a year old? A: I know it wasn't over a year old.
- Q: Do you know if it was not quite a year old? A: I don't know sir.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date, in said case.

Julia C. Laval

Subscribed and sworn to before me
this 10 day of July, 1906.

W. H. Harris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
H.F. 685. Muskogee, Indian Territory, July 7, 1906.

In the matter of the application for the enrollment of Jenetta Peters, deceased, as a Creek freedman.

FRANK PAYNE, being duly sworn, testified as follows:

Q What is your name? A Frank Payne.

Q What is your age? A Thirty seven.

Q What is your post office address? A Clarksville.

Q Do you know Richard Peters? A Yes, sir.

Q What is the name of his wife? A Millie.

Q Are you any kin to them? A No, sir.

Q Do you know a child of theirs named Jenetta Peters? A Yes, sir.

Q Do you know her by that name or just know the child? A As Jenetta Peters.

Q Do you know when she was born? A Yes, sir but I can't get right to the day.

Q How do you know that? A My wife was visiting her.

Q Do you get it from your wife? A No, sir I get it from myself.

Q Were you there when it was born? A No, sir.

Q How long after its birth before you saw it? A About four weeks.

Q When was that? A That was last year in 1905.

Q What month? A I just can't get the month; I didn't keep it up that close.

Q Then you don't know the date of its birth? A No, sir not the very day it was born.

Q Is it living? A No, sir.

Q How old when it died? A About 8 or 9 months old as near as I can get at it.

Q Where did you get that impression from? A I counted it up from my wife and several others; I know if my baby had lived it would be that old and they were right along together.

Q Are you or your wife citizens? A No, sir.

Q What was the name of your baby that died? A Jim.

Q Which one died first your child or Jenetta? A Mine was born dead.

Q Was it born anywhere near the birth of Jim? A No, sir.

Q Why did you refer to it? A I said I was keeping count of it by mine; they was birthed about four weeks apart.

Q When did Jenetta die? A Just a little before Christmas.

Q Last year? A Yes, sir.

Q Are you sure of that? A Let me see; at the same time I made two coffins but I didn't keep any particular account. I made the coffin for Jenetta, it was a little before Christmas.

Q You are sure it didn't die this year, aren't you? A I won't be positive whether it died this year.

Q Are you sure it didn't die as late as the third month in this year? A Yes, sir.

Q Then if the father or mother testified it died in March this year they are mistaken aren't they? A I won't be positive; people die so fast I don't keep up with when they die.

Q Is the date of your recollection this child died before Christmas? A I won't be positive whether it died before or after.

Q You are sure it died near Christmas? A Yes, sir.

Q It didn't die as much as two or three months after Christmas?

You are sure of that aren't you? A I don't know just exactly the month the child died. Lee Turner was shot about a week or two before this child died and I helped dig the grave for him.

Q Was Lee Turner shot before last Christmas or not? A Lee was shot in February some time for a friend of mine came from Arkansas the same day he was buried and he came here the 15th of February.

Q Do you make any record of coffins that you make? A No, sir I don't.

Q Didn't write down anything about the date of death of Jenetta Peters? A No, sir.

Q How much did he pay you? A One dollar.

Q And how old did you say the child was when it died? A In my judgment 8 or 9 months old; I don't think it was very much older than that and if it was any older than that it wasn't much.

Q Then you are sure it wasn't as much as a year old? A It wasn't as much as a year old. Jenetta Peters is buried right back of my house in a white folks graveyard and they kicked about burying it there.

Q What is the name of that graveyard? A Clarksville.

Q Do you know if there is any headstone or footboard on the grave of Jenetta Peters? A I don't think there is. A plank that is all.

Q Any writing on that plank? A I couldn't tell.

Q Do you know of any fraud in this case? A I don't know.

Q Didn't you ever hear that this fellow Richard Peters was trying to fix up this case? A No, sir; I know that Richard was here last summer and last fall to get this child enrolled and then the child died and I didn't know anything about it until they wanted me to come and testify about making the coffin for the baby and I know I made the coffin.

Q How much have you been paid to come over here and testify? A Not a thing.

Q Not even your carfare? A My dinner.

Q Did he tell you what to testify to? A No, sir he didn't tell me anything; I didn't ask him any questions as to how the thing was going.

Q What was the name of the fellow who killed Turner? A George Johnson.

Q Where is Johnson now? A I don't know.

Q Wasn't he tried? A Yes, sir.

Q What became of him? A They turned him loose.

Q Do you know what time he was tried? A It was in February but what time I don't know.

Q Was this child dead when they turned George Johnson loose? A I don't remember whether the baby was dead or not.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this
16 day of July 1906.

H. H. Harris
Notary Public

DEPARTMENT OF THE INTERIOR,
Ex. 1067 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
W.B.P. 120. Muskogee, Indian Territory, January 7, 1907.

In the matter of the application for the enrollment of
Gennetta Peters as a Creek freedman.

APPEARANCES: J.P. Farnsworth, for M.L. Mott atty. for
Creek Nation.

RICHARD PETERS being duly sworn by Henry W. Haines notary
public testified as follows:

Q What is your name? A Richard Peters.
Q How old are you? A I am thirty.
Q What is your post office address? A Clarksville.
Q Have you testified several times before in this case? A Yes, sir.
Q Have you a child named Gennetta Peters? A Yes, sir.
Q You are a Creek citizen are you? A Yes, sir.
Q What is the name of your father? A Bob Peters.
Q What is the name of your mother? A Caroline Callahan.
Q Is this child Gennetta living? A No, sir.

By atty. for Creek Nation.

Q When was Gennetta Peters born? A February 25.
Q What year? A 1905.
Q When did she die? A She died March 17.
Q What year? A 1906.
Q March 17, 1906, is that right? A Yes, sir.
Q How old was she when she died? A I couldn't exactly tell how
many months but I think she was about eleven months old but my
motherinlaw had the record of its age and she claimed it was
older than that.
Q But you think she was about 11 months old when she died? A Yes
what I thought but I wasn't sure of it.
Q You say that the child was about 11 months old when it died?
A That was my belief about it; since I heard my motherinlaw ex-
plain the age of it to me I find out that it was older than that;
she had down the age of it.
Q What we want you to testify is what you knew; was the child
able to walk? A No, sir it couldn't walk.
Q Was it living last Christmas a year ago? A Yes, sir.
Q Born in the winter time? A Yes.
Q And lived all through that year and through part of the next?
A Yes, sir.
Q The child couldn't talk? A No, sir.
Q A good big baby? A Yes it could stand up.
Q Do you know George Davidson here? A I have seen him before but
I didn't know his name.
Q Did you see him some time last winter, was he at your house?
A Not as I remember.
Q Was he out there last month, about two weeks ago? A Yes he was
out there somewhere near a month ago I guess.
Q Was a white man with him by the name of Mott do you remember?
A Yes a white man with him but I don't know his name.
Q Did George here swear you and take testimony like this? A Yes,
sir.

COMMISSIONER.

- Q Do you know just when that child was born? A Yes, sir.
Q When? A It was born February 25.
Q How does it come that on two previous occasions you testified this child was born March 4? A March 4?
Q You testified on March 20, 1905 which must have been shortly after the birth of the child, you were asked when was this child born and you said March 4, 1905, what time in the day was she born and you swore about seven in the evening about dusk and that same day Caroline Callahan testified that the child was born March 4.
Q Then you came in here March 21, 1905 and again you testified that this child was born March 4. How does it come you now say it was born in February? A You see my mother-in-law had the age amotely.
Q She had the record? A Yes, sir.
Q You mean to say she knew just when it was born and when it died? A Yes, sir.
Q So you are not sure when it was born and died? A In the first place I wasn't until I saw her record.

LILLIE PETERS being duly sworn by Henry G. Haines a notary public testified as follows:

- Q What is your name? A Lillie Peters.
Q Have you ever testified in this case before? A Yes.
Q You never testified before in this office did you? A No, sir.
Q Where did you testify? A Before this colored man here (Pointing to Mr. Davidson).
Q How old are you? A Twenty one.
Q What is your post office address? A Clarksville.
Q Are you the wife of Richard Peters sitting here? A Yes, sir.
Q Did you have a child by him by the name of Gennetta? A Yes, sir.
Q That child died didn't it? A Yes, sir.
Q How long did it live? A A little over a year.
Q When was Gennetta born? A Born in March.
Q What time? A I don't know, sir, what time.
Q Do you know a man named J.W. Capps? A Yes, sir.
Q He is a notary public isn't he? A Yes, sir.
Q Will have you look at this affidavit (Shows witness the affidavit of one Lillie Peters, in this matter). A Yes, sir.
Q Did you go before Mr. Capps and swear to that? A Yes, sir.
Q Where did you go? A I think it was to the Capps bank.
Q Is this man Capps working in a bank? A I don't know whether he is working there or not.
Q When did Gennetta Peters die? A In February.
Q Are you sure of that? A Yes, sir.
Q Then do I understand you to say that your child was born some time in March and died the next February? A The next year February.
Q Don't you know enough to know that if this child was born in March and died the next February, it wasn't quite a year old when it died, don't you know that? A I thought it was a year.
Q How could it be a year old if it was born in March of one year and died in February of the next year, how could it be a year old? A No answer.
Q Do you know what time in February it died? A No, sir.
Q How do you know it died in February? A My mother put it down.
Q What is your mother's name? A Lillie Adams.
Q And that is how you know it? A Yes, sir.
Q What did she put it down in? A A book.
Q Is this the book here? A Yes, sir. (Referring to book entitled "Sketches of child life.")
Q Did she put down the date of the birth of the child also in this book? A Yes, sir.

Q Is that the only way you knew that this child was born in March and died in February was that your mother Millie Adkins wrote it down in this book? A Yes, sir.
Q Can you read and write? A No, sir.
Q I find in this book written in pencil on page 141 the entry "March 17 my baby birth in 1905, is that correct--that is right because it is written there by your mother? A Yes, sir.
Q When did your mother write that, did she write it the day it was born? A No, sir/
Q Soon after it was born? A Yes, sir.
Q This means Gennetta does it? A Yes, sir.
Q I find on page 132 in pencil "February 25, 1906 when I lost my baby Gennetta" who wrote that? A My mother.
Q Is that a correct entry about the death of your child Gennetta? A Yes, sir.
Q That is correct is it? A Yes, sir.
Q Then if these entries are correct Lillie as you state they are this child must have been born in March 1905 and died the next February, that is February 1906, is that correct? A Yes, sir.
Q Haven't you sense enough to see that that is less than a year, that it wasn't quite a year that Gennetta lived? A I don't know.
Q Are these entries correct? A Yes, sir.
Q Your mother made both of them? A Yes, sir.
Q How long after the child died before she wrote that in here about the death? A The same day I think it died.
Q And this is correct is it? A Yes, sir.
Q Then you positively swear now that the child was born March 17 1905 and died February 25, 1906, you swear these dates are correct do you? A Yes, sir.

MILLIE ADKINSON being duly sworn by Henry G. Haines a notary public testified as follows:

Q What is your name? A Millie Adkinson.
Q How old are you? A About forty five.
Q What is your post office address? A Wagoner.
Q Do you know Lillie Peters here? A Yes, sir.
Q Is she your daughter? A Yes, sir.
Q What is the name of Lillie's father? A Ben Freeman.
Q You don't live with her do you? A No, sir.
Q Were you present when her child Gennetta was born? A No, sir.
Q How long after its birth before you saw it? A Three or four days I guess.
Q You are sure it wasn't over a week old when you saw it? A It wasn't over a week old.
Q When was it born? A They said it was born 17th of March.
Q Who said so? A Lillie said so and told me and all that was there.
Q Of what year? A 1905.
Q When she told you that the first time did you write it down in this book? A It is in that book.
Q It says here March 17 my baby birth in 1905? A Yes, sir born.
Q You wrote this yourself? A Yes, sir.
Q And from the fact of the mother telling you and everybody telling you and your remembrance of having gone there 3 or 4 days after it was born you know that is correct do you? A Yes, sir.
Q Was it March when you got there? A Yes it was March when I got there.
Q 1905? A Yes.
Q This refers to Gennetta? A Yes, sir.

Q "February 25, 1906 when I last saw baby Gennetta" did you write that? A Yes, sir.
Q Was that the same day the child died? A Yes it died right in my arms and I put the child down and put it down.
Q Your daughter can't read or write? A No, sir.
Q Did she ask you to write this? A Yes, sir.
Q Have you any other way of knowing that this child died in February 1906, are you sure it was February it died in? A Yes, sir.
Q You are sure the child didn't live until March 4, 1906? A No sir it didn't live that long.
Q You are sure it was born March 17? A I knew it was born March 17 and I knew it was born in March.
Q Do you know when you got there? A I got there about the 20th I went in March before it was born and I went back and it was born.
Q This Richard Peters he is the father isn't he? A Yes, sir.
Q If Richard Peters swore that the child was born February 25 he has mixed up the date of the birth and death? A He sure is; I was right there and the baby died in my arms.
Q You can see that if these entries are correct that the child was born right close to March 17 and died the following February 25, that the child wasn't a year old? A I say eleven months old.
Q Then if he testified it was over a year he is mistaken isn't he? A Yes, sir.
Q You never testified before in this case? A No, sir.
Q Did you come in today in answer to a subpoena that was served on you by some one for the Greek Nation? A Yes, sir.
Q And it is your own daughter's child you are testifying about? A Yes, sir.
Q And in compliance with her wish you wrote down the date of the birth and death? A Yes, sir.
Q And it is correct? A Yes, sir.

LILLIE PETERS RECALLED:

Q You have heard what your mother said about this matter? A Yes.
Q Is that correct? A Yes, sir.
Q Then the child was eleven months old instead of a year when it died? A Yes, sir.
Q Did you ask her to write down these things about the birth and death? A Yes, sir.

RICHARD PETERS RECALLED:

Q You have heard what your wife's mother said about this? A Yes sir.
Q What have you to say now about your statement? A I don't know what to say about it.
Q You understand you have it mixed up? A Yes, sir.
Q Is what she says correct do you think? A Yes, sir she is right she had it written down and I didn't know. I was trying to give it as near as I could.
Q How does it happen that you testified twice before that this child was born March 4 and you made an affidavit saying March 4 and today you say February 25, and now you say her record which said the child died February 25, 1906 is correct; you got it mixed up didn't you? A Yes, sir.
Q And you are now sure that she is correct, and your wife is correct and this record is correct when it shows that she was born March 17, 1906 and died February 25, 1906? A Yes, sir.
Q Then the child didn't live as much as a year did it? A No, sir.
Q Never lived to see a birthday did it? A No, sir.
Q Because if this record is correct it would have had to live until March 17 to have a birthday? A Yes, sir.

LILLIE PETERS RECALLED:

Q Then if this is correct this affidavit you made before Capps in which you state it was born March 17, 1905 is correct that far is it? A Yes, sir.

Q Then when it states the child was living March 4, 1906, which is some time after February 25, that part is wrong is it? A Yes, sir.

Q Because your child as shown by the records your mother made died on the 25 of February, 1906, that is about a week before March 4, 1906, how did you come to sign that affidavit saying Gennetta was living March 4, 1906 before this man Capps, did you understand you were swearing to that when you signed it?

A No, sir.

Q Did he read it over to you? A Yes, sir.

Q Did you understand him to say that this child was living March 4, 1906? A I don't know.

Q Then you swore to something you didn't know what you were swearing to? A Yes, sir.

Q Did some one else make an affidavit that same day you did? A Yes, sir.

Q Who was it? A I don't know.

Q You know it was Caroline Callahan don't you? A Yes, sir.

Q Well if she swore that this child was living March 4, 1906, she swore to something wasn't true didn't she? A Yes, sir.

Q Was Caroline Callahan present when this child died? A Yes, sir.

RICHARD PETERS RECALLED:

By Atty for Creek Nation.

Q Do you know J. W. Capps? A Yes, sir.

Q Any kin to him? A No, sir.

Q What is his business? A Banker.

Q White or colored? A White.

Q He made out an affidavit in 1906 for your wife and Caroline Callahan? A Yes, sir.

Q Were you there when he did it? A Yes, sir.

Q Can you read or write? A No, sir.

Q Did you hear him read that affidavit over to your wife? A No.

A Yes, sir.

Q Did you hear him read that this child Gennetta was born March 17, 1905? A I don't remember.

Q Do you remember that he read she was living March 4, 1906, do you recall that he read that to your wife? A I believe I do.

Q Didn't you know that wasn't a fact? A I wasn't sure.

Q Does this man Capps buy and sell Creek land? A Not that I know of.

Q Did you have any agreement with him about getting this child enrolled? A No, sir.

Q How much did you pay him to make this affidavit? A Fifty cents I think it was.

Q Did you promise him anything more? A No, sir.

Q You now know when it says in the affidavit that it was living March 4, 1906, you now know that was a mistake? A Yes from looking at it on the book.

Q Is this book correct? A That's what they say.

Q You don't know any better than that do you? A No, sir.

Q Your wife's mother wrote the birth and death in this book?

A Yes, sir.

Q And she testified she wrote about the death February 25 the very day it happened, is that correct? A Yes, sir.

Q Then that affidavit that it was living March 4, 1906 must have been wrong? A Yes, sir.
Q Do you know whether Cupps knew it was wrong when he filed that affidavit that way? A No, sir. He was just going on what he was told.
Q How does it come you said it was March 4? A We was trying to make the closest estimate.
Q Did anybody tell you that this child had to be living March 4, 1906, you should fix it up that way? A No, sir.
Q Didn't you tell Cupps that? A Not as I remember.
Q Have you seen Cupps in the last few days since Davidson and that white man were talking to you? A I saw Cupps Saturday.
Q What did you talk to him about--about this case? A No, sir.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

Anna Garrigues

Subscribed and sworn to before me this 10 day of January 1907.

Edward Kerrick
Notary Public.

MEP-180
Gr.No.1087

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jeannetta Peter, deceased, as a Creek Freedman.

DECISION.

The record in this case shows that on March 20, 1906, Richard Peter appeared at the office of the Commission to the Five Civilized Tribes and made application for the enrollment of his minor child, Jeannetta Peter, as a Creek freedman. Further affidavits were filed in this matter April 19, 1906, and May 16, 1906. Further proceedings were had March 21, June 26, July 2, and July 7, 1906, and January 7, 1907.

It appears from the evidence and the records in the possession of this office that said applicant was the child of Richard Peter, whose name appears on a partial schedule of Creek freedmen approved by the Secretary of the Interior March 12, 1902, opposite No. 2047, and Lillie Peter, a non-citizen, and that the parents of said applicant were lawfully married at the time of her birth.

The testimony in this case is very contradictory as to the dates of birth and death of said applicant, but a preponderance of the evidence establishes the date of birth as March 17, 1906, and date of death as February 26, 1906.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Jeannetta Peter as a Creek freedman and the application for her enrollment as such is accordingly denied.

COMMISSIONER.

Muskogee, Indian Territory.

FEB 14 1907

MBF 120.

Muskogee, Indian Territory, September 21, 1906.

Ellie Peters,

c/o Richard Peters,

Clarksville, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Bennetta Peters, born March 17, 1905, as a Creek Freedman, you are advised that this office requires proof of your marriage to Richard Peters, the father of said child, said proof may consist of either the original or a certified copy of your marriage license and certificate, and should be forwarded to this office at an early date.

You are further advised that this office cannot identify Richard Peters, the alleged father of said child, and you are requested to write this office stating the names of his parents, the Creek Indian town to which he belongs, his age, and his roll number as same appears on his deeds or allotment certificates to land in the Creek Nation.

Respectfully,

Commissioner.

Gr. No. 1057.

Muskogee, Indian Territory, February 16, 1907.

Lillie Peter,

c/o Richard Peter,

Clarksville, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Gennetta Peters, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM-18.

Cr. No. 1087

Muskogee, Indian Territory, February 16, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Gennetta Peters, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IM-13.

Gr. Ma. 1897.

Wash DC, Indian Territory, February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Gannetta Peters, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM-14.

Through the Commissioner
of Indian Affairs.

Refer in reply to the following:
Land 17167-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Connetta Peters, as a Creek freedman, including the decision of Commissioner Bixby, dated February 14, 1907, adverse to the applicant.

The decision of Commissioner Bixby has been examined, is found to be correct, and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

REM-LC

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
O.K.

128 I.T.D.

5796, 5798, 6244, 6274-1907.
6284, 6404, 6504, 6510-1907.
6524, 6568, 6570, 6578-1907.
6678, 6698, 6702, 6706-1907.
6712, 6720, 6746, 6770-1907.
6812-1907.

March 8, 1907.

26 12640-1907
DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Greek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your Letter of Transmittal.
Minnie Atkins,	February 9, 1907.
Willie Nash (Freedman)	February 11, 1907.
James Anderson et al.	February 12, 1907.
Wallace Smith (deceased)	February 12, 1907.
Jakie Atkins (Freedman)	February 12, 1907.
Master Scott, et al. (Freedman),	February 12, 1907.
Mary Elizabeth Ellis,	February 9, 1907.
Charles Hawkins et al. (Freedman)	February 9, 1907.
Jimmie Conner et al. (Freedman)	February 13, 1907.
John Leacher (deceased),	February 13, 1907.
Olive Grant and Robt Gehr,	February 14, 1907.
Gemmetta Peters (Freedman),	February 14, 1907.
John Guy (deceased) (Freedman)	February 15, 1907.
Martha Porter (deceased),	February 14, 1907.
George Wolf (Freedman),	February 14, 1907.
Mattie Bird, deceased,	February 16, 1907.
Jennie Lewis (Freedman)	February 19, 1907.
Mary McNary	February 15, 1907.
Alonza Franklin (Freedman)	February 14, 1907.
Gracie Johnson (Freedman)	February 14, 1907.
Katie Jamison, deceased (Freedman),	February 16, 1907.
	February 14, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse M. Wilson,

Assistant Secretary.

21 inc. and 42 inc.
to Indian Office.

W.F. 57, 57.

Or. 22. 1007

Muskogee, Indian Territory, March 14, 1907.

Richard Peters,

Clarksville, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 3, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of your minor child Gennetta Peters, as a Creek Freedman.

Respectfully,

Commissioner.

CR EN 1088

CR EN 1088

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, June 25, 1906.

(V.4806) 132

In the matter of the application for the enrollment of
Anna Morgan as a Creek freedman/

LUCY MORGAN, being duly sworn testified as follows:

Q What is your name? A Lucy Morgan.
Q What is your age? A Twenty seven.
Q What is your post office address? A Broken Arrow.
Q What is the name of your father? A Jim Lewis.
Q Have you a child enrolled with you? A Yes, sir/
Q What is her name? A Cilla.
Q What is the name of Cilla's father? A Clem Morgan.
Q He is a non citizen isn't he? A Yes, sir.
Q Are you married to him? A Yes.
Q Have you a child named Anna Morgan? A Yes, sir.
Q Which is it Anna or Annie? A I calls her Anna.
Q We have here an affidavit signed by you in which it is called Annie
which is correct? A Annie.
Q You say now it is Annie? A Yes, sir.
Q That is the way you want the child enrolled? A Yes, sir.
Q Is that the same child that the midwife made an affidavit and called
it Anna? A Yes, we call it Annie Morgan.
Q What was the name of the midwife? A Rosa Hobson.
Q She is not here? A No, sir.
Q You are sure she referred to this child who is now present here?
when she called it Anna? A Yes, sir.
Q But the right name is Annie? A Yes, sir.

LUCY MORGAN, the witness, is identified opposite
Creek freedman roll No. 3332.

Q To what Creek Indian town do you belong? A You will have to ask my
mother. I think it is Arkansas.
Q This is Annie you have here? A Yes, sir.
Q How old is she? A Three months old.
Q Is her father's name Clem Morgan? A Yes
Q Who was present when the child was born? A No one but I and Mrs.
Hobson.
Q Was your mother there? A No, sir but she waited on me.
Q How long after the birth of the child did she come there? A She came
that Sunday.
Q What day was she born? A On a Saturday.
Q Born on a Saturday and your mother got there the next day? A I think
it was Sunday; I didn't keep all these days in recollection but it was
born the first day of March and she came the very next day.
Q Are you sure the child was born the first day of March? A Yes, sir.
Q Are you sure it was born on Saturday? A I don't know but she came the
next day.
Q Are you sure it was born on Saturday? A I forget; that went out of my
recollection.
Q How can you remember then it was born March 1st? A I remember that
date.
Q What makes you remember it if you have forgotten the day of the week?
A Lots of times we forget some things. It was the first day of March.
Q Might you not be mistaken about that? A No sir I sure remember that.

Q Anything helps you remember it? A No answer.
Q Did you write it down? A No, sir.
Q Did anybody you know write it down? A No, sir.
Q How old is it, exactly? A Three months old.
Q Just exactly three months? A The first day of June.
Q How old would that make it now? A The only way I can count it up is to look at the almanac.
Q Did you look at the almanac the day the child was born? A Yes, sir.
Q Where is that almanac? A At home.
Q What day is today? A Monday.
Q What day of the month? A I don't know because I haven't looked at the almanac for a while.
Q If I were to let you look at a calendar would you know the day of the month (Handing calendar) see if you can find the day of the month on it? A I can't hardly tell the day of the month on that. Is today the 18th. I don't know the day of the month it was but anyway my baby is over three months old.
Q How can you tell the baby was born the first day of March? A I can tell in an almanac because it is plainer than that.
Q You made this out before Byrd, notary public? A Yes, sir.
Q In the caption he wrote March 3rd but that has been erased and let put in its place, do you know anything about that? A No, sir.
Q Didn't you tell him it was born March 3, first? A No, sir. I guess he made that mistake himself.
Q Besides your mother Jane Franklin was any one else present shortly after the birth of the child? A No, sir.
Q Anybody come within the same week? A No, sir I stay a long way from everybody.
Q Has anybody told you what day you had to say this child was born in order for it to be entitled? A No, sir.
Q Do you know what date children had to be born in order to be entitled? A No, sir.
Q You are sure of that? A Yes, sir, I sure don't know.
Q Do you remember going before Byrd? A Yes, sir.
Q You went to his office did you? A Yes, sir.
Q You recollect that circumstance very well? A Yes, sir.
Q How old was this child then? A I forget what day I went.
Q Had the child just been born the day before? A It was over a month old I forget the month I went there.
Q You remember going there? A Yes, sir.
Q How old was it then? A I don't remember how old it was.
Q About? A I sure forget what day I went there.
Q But you remember you went there and you ought to remember how old that child was then, was the child a week or two months? A I didn't go until the baby was over a month old.
Q Then you must be mistaken in the date of the birth because this affidavit is dated March 12th? A Mr Byrd must have dated it wrong then.
Q You are advised that you must furnish better proof about the birth of this child, you don't know the day it was born, all you know is to stick to March 1st? A I think he made that mistake so I couldn't file for it. I forget what day the first day of March was.
Q What object would the notary public have in making it wrong? A I don't know.
Q You paid him didn't you? A I didn't pay; my husband did.
Q Is there any ill feeling between you and the notary? A If he paid him to fix this paper and if it right he should have done it.
Q It is necessary to find out when this child was born before it can be enrolled and you had better get some good proof in here? A The baby's birth I can tell; give me an almanac and I can tell.
Q Can you read? A A little, not much.
Q How could you tell what day by looking at the almanac if you can't read? A No answer.

JANE FRANKLIN, being duly sworn, testified as follows:

- Q What is your name? A Jane Franklin.
- Q What is your age? A I don't know exactly, about fortyfive.
- Q What is your post office address? A Broken Arrow and Rentie.
- Q Have you two post offices? A Yes.
- Q Is this woman here, Lucy Morgan, your daughter? A Yes, sir.
- Q Do you know that child she has with her? A Yes.
- Q What is its name? A Annie.
- Q Were you present when it was born? A No, sir.
- Q How long after its birth before you saw it? A About 2 or 3 days; Friday I guess I went there.
- Q If she states you got there the next day she is mistaken isn't she?
- A It don't make any difference just so the child is here; nobody is lying about it.
- Q Are you sure nobody is lying about it? A Yes.
- Q Do you know when it was born? A I am telling you now when it was born.
- Q When, you haven't told us yet? A In April I guess.
- Q What time in April? A I couldn't tell exactly because I didn't keep any account.
- Q The first part, or middle or last of April? A March or April I don't know which.
- Q Don't you know which of those months it was? A No, sir I didn't keep any track of it.
- Q When you first answered why did you say April, it is hard for us to know whether it was born in March or April? A It was born in March.
- Q Why do you say it was born in March? A We say a good many things.
- Q Do you know which of those months it was born in March or April? A Last of March.
- Q How do you know that? A I don't know how I know it but I know it.
- Q Are you sure it was the last day of March? A Yes, sir.
- Q Anything help you to remember it was born the last day of March, did you look at a calendar or see it written down? A I didn't see it written down.
- Q How do you know? A I don't know.
- Q I am asking you a plain question are you sure it was the last day of March? A Didn't she tell you? She ought to know better than I.
- Q You say it was born the last of March? A Yes, sir.
- Q How old is the child? A Going on two months old.
- Q If it was born the last of March the last of April it would be one month and the last of May two months and the last of this month would be three months, is that correct? A Yes, sir.
- Q Are you sure of that? A Yes, sir.

LUCEY MORGAN RECALLED.

- Q That was your mother she just testified? A Yes, sir.
- Q Does your mother know when this child was born? A She was home.
- Q Didn't you tell us she came the next day? A She got there the next day.
- Q She got there the next day after the child was born? A Yes, sir.
- Q When was that? A In March.
- Q She swears positively this child was born the last day of March? A She forget. I sent for her the very next day.
- Q She says also this child is two months old? A Oh goodness.
- Q Did you have a doctor any time close to the birth of the child? A No.
- Q Was Glen there? A Yes, he was there but he was out of doors.
- Q Didn't he come in the day it was born? A He came in that night; he was ~~nothing that day, neither she forgets.~~
- Q You are advised to have the midwife and Glen Morgan appear and testify? A All right I can get them. You can't make anything by my mother's talk. She does forget.

That part of the month was this child born. The first part, middle
of month A The first of month
The first part of middle A on the first
I don't know what day of the week A I don't know what day it
is. I don't know at the calendar and the calendar is not. I don't know what day it
is. I don't know what day it is. I don't know what day it is. I don't know what day it is.

I, the undersigned, do hereby certify that the above and foregoing are a
true and correct transcript of my stenographic notes as taken in said
court on said date.

Subscribed and sworn to before me this 26 day of June
1906.

Anna Franquist
Edward M. H. H.

Cr. No. 1088
H.B.P. 138

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, February 4, 1907.

In the matter of the application for the enrollment
of Annie Morgan as a Creek freedman.

CLEM MORGAN, being duly sworn by Henry G. Hains,
notary public, testified as follows:

- Q What is your name? A Clem Morgan.
Q What is your age? A I don't know exactly how old.
Q About forty? A About forty five.
Q What is your post office address? A Broken Arrow.
Q Do you live right in town? A Four and a half miles north;
half way between Broken Arrow and Petussa.
Q You are a State negro aren't you? A Yes, sir, I am from Texas.
Q You don't claim any rights in the Five Tribes? A No, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Lucy Morgan.
Q What was it before Morgan? A Lucy Lewis.
Q Did you ever have any children by her? A Five.
Q What is the name of the youngest? A Annie Morgan.
Q How old is Annie? A Eleven months.
Q Is Annie living? A Yes, sir.
Q When was she born? A March 1st.
Q How do you know she was born March 1st? A Well I know it.
Q Is there anything helps you to remember it? A I know I had
that sale.
Q How do you know it? A I just know it was the first.
Q Was there anything happened on that same day helps you to
remember it? A I recollect it and know it was the first.
Q What day of the week? A On Saturday.
Q Are you sure of that? A On Saturday.
Q How do you remember it was born on Saturday? A Because her
mother came on Sunday; we went for her on Saturday.
Q What was her mother's name? A Fannie Franklin.
Q Did she come on the next day on Sunday? A Yes, sir.
Q Are you sure of that? A Yes, sir.
Q Can't you possibly be mistaken when you say it was born on
Saturday? A No, sir.
Q Born last year on Saturday? A Yes, sir.
Q Could you possibly be mistaken that Sunday was the next day
after it was born? A No, sir.
Q How before you were sworn here you said something about
remembering when this child was born on account of a sale.
Tell us about that? A The sale was on a Saturday; the child was
born Saturday early.
Q The same day of that sale? A Yes, sir.
Q Was that a public sale? A No, sir; private.

Q How did people know it was going on? A I notified them.

Q When did you notify them? A Friday and Thursday.

Q And the sale came off on Saturday? A Yes, sir.

Q You are sure of that? A Yes, sir.

Q And that the child was born while that sale was going on?

A Yes, sir.

Q Then you must be mistaken when you say the child was born on the first day of March? A The first of March.

Q How do you know that that sale was on Saturday? A Because the next day was Sunday and because I usually go to town on Saturday but that Saturday I couldn't go on account of the sale.

Q So you couldn't possibly be mistaken about its being born on Saturday? A No, sir.

Q And you know that Jane Franklin came the next day after it was born and got there on Sunday; you couldn't be mistaken?

A No, sir; I couldn't go to town and sent one of the boys to town after feed.

Q Instead of going to town you sent one of your boys to town for feed? A Yes, sir.

Q What is his name? A Raymond; he worked with me; Raymond King was his name.

Q A letter was written to your wife telling her to have you appear here and to have the midwife Rosa Hobson appear also?

A Rosa Hobson had staid with us and we was expecting to get a letter. I would have come right away if I got the letter; I told the postmaster that if any mail came to send it out right away and she never did.

Q You always kept pretty good track of the day of the week?

A Yes, sir; I always knew the day of the week.

Q Do you always keep track of the days of the month? A Not always; I some times do when they come in by blocking at the calendar.

Q What day of the week is today? A Is today Monday?

Q What day of the month is it; can you tell what day of the month today is? A Let's see--Monday, Sunday, it aint the 4th? I never noticed this morning.

Q You would have to look at the calendar to tell what day of the month it is? A I guess so.

Q But you know it is Monday? A Yes, sir.

Q Do you know what month it is? A February.

Q Why did you say it wasn't the 4th? A I didn't know if it was.

Q Are you still sure the child was born March 1st? A Well I might be mistaken about the day of the month but I am sure it was on Saturday that I had that sale and that the child was born.

I, Anna Garrigue, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 5 day of February 1907.

Anna Garrigue
Edward L. Herrick
 Notary Public.

CASE 138.
Ex. 1008.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 8, 1907.

In the matter of the application for the enrollment of
ANNA MORGAN as a new born Creek Freedman under the provisions
of the act of Congress approved April 26, 1906.

ANNA MORGAN, being first duly sworn by Henry G. Hains, a Notary
Public, testified as follows:

Examination

On behalf of the Commissioner:

- Q Give me the name of some white man? A O. J. Baker.
Q What is his business? A He rented that place from me.
Q Did he buy anything that day? A I don't know how many
cattle he bought.
Q Did he buy any thing? A Yes sir.
Q Where does he live? A He lives on the place with me.
Q Any other white men there? A Yes sir. The other man
lived at Fort Murchison at Fort.
Q You are sure this white man born while this sale was going
on? A Yes sir, all the white people were there that day.
In writing the checks, I had to go in the house and get a
bill of sale.
Q Was that early in March or late in March? A Early in March.
Q You have indicated that it was the last part of March.
Q Did he pay for his cattle? A Yes, he gave those fellows a
check.
Q What fellows did he give a check to? A I don't know.
It was on the First National Bank at Broken Arrow, O. J.
Baker gave the check on the First National Bank of Broken
Arrow for about ninety dollars.

(Witness dismissed).

ANNA MORGAN, being first duly sworn by Henry G. Hains, Notary
Public, testified as follows:

On behalf of the Commissioner:

- Q You made one before me as a Notary Public in the office, that was the day on which you gave testimony, on June 26, 1906; had you made one before that? A No, made an affidavit down at Broken Arrow.
- Q What is the name of the man you made it before? A Byrd.
- Q Do you remember going before Byrd? A Yes, I went before Byrd.
- Q Did you have the midwife with you at that time? A No sir, but she was there.
- Q Why didn't you have the midwife make one out then, - she signed the one they made out? A Yes sir.
- Q When did she sign it; after you did? A I don't know exactly whenever she signed it.
- Q About how long after you signed this before she signed here? A I can't tell exactly when.
- Q About; was it a week or a month before she signed? A It wasn't a month.
- Q Was her affidavit made out before the same man you made yours before? A I guess he had Morgan carry her there.
- Q It wasn't a month after you signed yours? A No sir, it was in the same month.
- Q You remember signing that affidavit before Byrd, do you? A Yes sir.
- Q How old was the child at that time? A I can't remember how old it was.
- Q Was it a day, a week or a month? A It was a month old; I shouldn't go out in a week.
- Q Was it a month old? A I don't know how old she was.
- Q Had you been out before the day you went to make the affidavit? A No sir.
- Q That was the first time you went out? A Yes sir.
- Q Was it as much as two weeks old? A More than a month old.
- Q You are sure it was more than a month old when you went to make this affidavit? A I think it is; I aint right sure.
- Q How long were you in the house after the child was born; how long before you got out of the house? A The baby was three weeks old when I went out of the house, but I didn't go anywhere.
- Q And then some time after that you went before Byrd to make out this affidavit? A Yes sir.
- Q You are sure of that now, are you? A Yes, I am sure of that because I wasn't going to enroll until my child got a month old.
- Q Then if this notary public dated this affidavit March 12th, which is only 11 days after March first, why he must have dated it wrong, didn't he? A I guessed he would fix it up; he asked me a lot of questions.
- Q What kind of man is Byrd, colored or white man? A White man.
- Q What is his business, do you know? A No sir.
- Q After that you say he took Rosa Hobson, the mid-wife, and took her affidavit? A Yes, he made out one; I wasn't there.
- Q And then after you got the mid-wife's affidavit you brought it in; did you, all on one piece of paper? A I think so; we didn't have but one paper.
- Q How long after you made this out before Byrd until you brought it in here? A Byrd said it, I don't know how long it was; I didn't come here until in June.

- Q Did you see him writing out that affidavit that you signed ?
Did he write it out before you, or was it already written
when you signed it? A I think he wrote it after I come
up there.
- Q In the top part of this affidavit in which application is
made for the enrollment of Anna Morgan, born on the - - -
there was written on there "31"; did you see him do that
and rub it out? A No sir.
- Q It was written "31"; you can see there plainly, and "1st"
was put in there: Do you know anything about that?
A He made that all himself.
- Q You don't know whether he rubbed out that "31" ?
A I don't know who rubbed it out or anything.
- Q You know the child was a month old when you went before
him to make that out, and you went before him the first
place to make this affidavit? A Yes sir.
- Q How far did you have to go? A Four and a half miles.
- Q Did you ride? A In a wagon.
- Q Can't you tell us a little closer as to how old this
child was when you went there? A No sir.
- Q You know it was in March when you went before him?
A No sir, I believe it.
- Q It was the same month in which the mid-wife made her affi-
davit, was it? A Yes, it was the same month, because
we fixed up and sent it right down here.
- Q How long after you made yours before the mid-wife's was
made? A I don't know.
- Q Was it the next day after you made yours that Byrd took the
mid-wife's affidavit? A I don't know exactly, because
she wasn't at home when she signed the paper.
- Q Were you there when Rosa Hobson made affidavit? A I
wasn't there.
- Q Rosa Hobson can't read or write, can she? A No sir.
- Q How did she know when your child was born? A I don't
know; it was in the book.
- Q She can't read or write; how could she look in the book ?
A She can read a little.

(Witness dismissed).

I, S. T. Wright, stenographer to the Commissioner to the
Five Civilized Tribes, on oath, state that I recorded the testi-
mony and proceedings had in the above entitled cause, and that
the above and foregoing is a true and correct transcript of my
stenographic notes thereof.

Subscribed and sworn to before me,
this 12th day of April, 1907.

[Signature]

[Signature]

NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie Morgan as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on May 17, 1906, application was made, in affidavit form, supplemented on June 25, 1906, by further affidavits and by oral testimony, and on February 4, 1907, by further testimony, for the enrollment of Annie Morgan as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906.

It appears from the record in this cause that the said Annie Morgan is the child of Clem Morgan, a non-citizen, and Lucy Morgan, whose name appears opposite No. 3332 on the approved roll of Creek freedmen. In the several papers filed in this matter, the given name of the applicant is variously written as Anna and Annie, but from the testimony of Lucy Morgan, it appears that the correct name is Annie.

From the evidence filed in this matter, the date of the applicant's birth does not clearly appear. Lucy Morgan, applicant's mother, and Rosa Hopson, the midwife who attended at said birth, stated in their affidavits that the same occurred March 1, 1906. Jane Franklin, applicant's grandmother, stated in her testimony that it occurred on the last day of March of the same year. All witnesses testified that the birth occurred on Saturday; that Jane Franklin came to the Morgan home on the following day and that she came on Sunday. Clem Morgan testified that the child was born on the day on which a sale was held at his place and that said sale occurred on Saturday.

It appears from an examination of the calendar, that the first day of March, 1906, alleged by Clem Morgan and Lucy Morgan to have been the date of said birth, fell upon Thursday, while March 31, 1906, alleged by Jane Franklin to be the correct date, fell upon Saturday. Another circumstance tending to corroborate the testimony of the said Jane Franklin on this point is the fact that the number 31 appears partially erased and with another figure written over it in the date space in the caption of said application.

Lucy Morgan testified that she did not appear before a notary public until her child was over one month old, yet her affidavit, made before G. F. Ryd, purports to have been made March 15, 1906, eleven days after the date of said birth as alleged by the parents and nineteen days before the date of said birth as alleged by Jane Franklin. No notarial seal is affixed to said affidavit and no explanation is given for said omission.

In the light of the evidence, the Commissioner believes that said applicant was not living March 4, 1906, as required by the Act of Congress aforesaid.

It is, therefore, ordered and adjudged that the said Annie Morgan is not entitled to enrollment as a Frank freedman in accordance with the provisions of the Act of Congress approved April 30, 1906, (34 Stat., L. 107), and the application for her enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

FEB 7- 1907

Cr. En. 1088.

Mustagee, Indian Territory, January 27, 1907.

Lacy Morgan,

Broken Arrow, Indian Territory.

Dear Madam:

When you appeared at this office on June 25, 1906, and gave testimony in support of your application for the enrollment of your child, Anna Morgan, as a Creek freedman, you were notified that it would be necessary for you to have your husband, Clem Morgan, and the midwife who attended you at the birth of said Anna Morgan, whose name appears to be Rosa Hepson, appear at this office and give testimony regarding the birth of said child. It is necessary that these parties appear at once, and you will be given eight days from the date of this letter in which to procure the attendance of these parties, for the purpose of giving testimony as aforesaid.

Respectfully,

Commissioner.

Gr. No. 2000.

Mustang, Indian Territory, February 9, 1907.

Lucy Morgan,

c/o Glen Morgan,

Broken Arrow, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Annie Morgan, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM-248.

Or, La 1000.

Muskogee, Indian Territory, February 8, 1907.

M. E. Matt,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Annie Morgan, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IM-246.

Muskogee, Indian Territory, February 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Annie Morgan, as a Creek Freedman, according the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LE-247.

Through the Commissioner
of Indian Affairs.

Refer in reply to the following:
Land 14313-1907.

COPY

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Annie Morgan as a Creek freedman.

Commissioner Bixby reports that the record in the case shows that on May 17, 1906, application was made in affidavit form, supplemented on June 25, 1906, by further affidavits and by oral testimony, and on February 4, 1907, by further testimony, for the enrollment of Annie Morgan as a Creek freedman, under the provisions of the act of Congress approved April 26, 1906 (34 Stat. L. 137).

He says it appears from the record in the case that Annie Morgan is the child of Glen Morgan, a non-citizen, and Lucy Morgan, whose name appears opposite No. 3532 on the approved roll of Creek freedmen; that in the several papers filed in the matter, the given name of the applicant is variously written as Anna, or Annie, but from the testimony of Lucy Morgan, it appears that the correct name is Annie; that from

-2-

the evidence the date of the applicant's birth does not clearly appear; that Lucy Morgan, the mother, and Rosa Hepson, the midwife who was in attendance at the birth of the child, declared in their affidavits that this event occurred on March 1, 1906; that Jane Franklin, the applicant's grandmother, said in her testimony that it occurred on the last day of March of the same year; that all the witnesses testified that the birth occurred on Saturday, that Jane Franklin came to the Morgan home on the following day, which was Sunday, and that Clem Morgan testified that the child was born on the day on which a sale was held at his place, and that the sale was on Saturday.

The Commissioner also says that it appears from an examination of the calendar that the first day of March 1906, alleged by Clem Morgan and Lucy Morgan to have been the date of the birth, fell on Thursday, while March 31, 1906, alleged by Jane Franklin to be the correct date fell on Saturday, and that another circumstance tending to corroborate the testimony of Jane Franklin on this point is the fact that the number 31 appears partially erased and with another figure written over it in the date space in the caption of the application.

In the light of the evidence the Commissioner formed the belief that the applicant was not living on March 4, 1906.

as required by Congress, and on February 7, 1908, rejected her.

It is recommended that his decision be approved.

Very respectfully,

O. J. Larabee,

Acting Commissioner.

NEH-Y

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
O.K.

LRS I.T.D.

5708, 5722, 5792, 5794-1907.
5814, 5816, 5828, 5830-1907.
5832, 5836, 5840, 5856-1907.
5862, 5868, 5872, 5874-1907.
5882, 5884, 5966-1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed. Copies of
Indian Office letters submitting your reports and recommending
that the decisions be affirmed are enclosed.

Title of Case.	Date of your Letter of Transmittal.
Easter Walker,	January 11, 1907.
Julia Cornelius, et al.,	January 28, 1907.
Paul Bowers,	February 11, 1907.
Moses Vaughan (Freedman),	February 11, 1907.
Charles Clark,	February 9, 1907.
Johnny Carwile (Freedman),	February 9, 1907.
Jack and Alice Bell (Freedmen),	February 9, 1907.
Yar-mah-lee et al. (deceased),	February 9, 1907.
Mary Burl (Freedman),	February 11, 1907.
Annie McClelland and Mitchell Cox,	February 9, 1907.
Alvin Smith (deceased) (Freedman),	February 9, 1907.
Isaac and Ethel Grayson (Freedmen),	February 9, 1907.
William B. Self et al.	February 11, 1907.
Annie Morgan (Freedman),	February 9, 1907.
Bennie Griffin (Freedman),	February 11, 1907.
Mose James, (Freedman),	February 9, 1907.
Dan Campbell (Freedman),	January 26, 1907.
Josie Wofford,	February 9, 1907.
Daniel Gray, deceased,	February 11, 1907.

A copy hereof and all the papers in the above mentioned
cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse H. Wilson,

Assistant Secretary.

19 inc. and 36 inc.
for Ind. Of.

APK
3-8-07.

WFO 188.

McKague, Indian Territory, March 11, 1907.

Lucy Morgan,

a/o Clem Morgan,

Broken Arrow, Indian Territory.

Dear Madam:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Annie Morgan, as a Creek Freeman.

Respectfully,

Commissioner.

CR EN 1089

CR EN 1089

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Welaetka, I. T., May 17, 1906.

In the matter of the application for the enrollment of Lila Jefferson as a Creek Freedman.

AMY BATTIN, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Amy Batts, used to be Jefferson.
- Q How old are you? A 44.
- Q What is your post office address? A Welaetka.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what town do you belong? A Canadian Colored.
- Q Why do you appear here today? A To enroll my daughter's child. The mother is dead.
- Q What was the name of the mother? A Polly Jefferson.
- Q When did she die? A She died about a month ago.
- Q What was the cause of her death? A The doctors didn't know what was the matter with her.
- Q Did she die shortly after the birth of the child? A About a month after. I think it was about a month.
- Q Did she recover from the sickness of child birth? A Yes, sir.
- Q And then took sick afterwards and died? A Yes, sir. She took a pain in her side and she had a cough.
- Q What is the name of the child you desire to make application for? A Lila Jefferson.
- Q Is the child living? A Yes, sir, here is the child. (witness has small child in her arms)
- Q When was the child born? A The first of March.
- Q What year? A This year.
- Q How old is the child now? A She is mighty near two months old.
- Q Not quite two months old? A Yes, sir, she is two months old.
- Q Are you positive the child is two months old? A Yes, sir.
- Q How many weeks old is the child? A She was four weeks old this last Monday, gone.
- Q You are positive that the child was four weeks old last Monday? A Yes, sir.
- Q Will the child be five weeks old next Monday? A Yes, sir, as near as I can tell.
- Q Were you present when the child was born? A Yes, sir.
- Q Did you say the child was born on Monday? A Yes, sir.
- Q Are you positive it was born on Monday? A Yes, sir.
- Q Then you must be mistaken when you state the child was born on the first of March? A Maybe so. I may count a little too fast.
- Q The child was four weeks old last Monday? A Yes, sir. That is as near as I can count.
- Q Last Monday was the 14th of May, the Monday before that was the 7th of May, the Monday before that was the 30th of April, and the Monday before that was the 23rd of April. That is four weeks. According to your testimony the child must have been born on the 31st day of April instead of on the 1st of March? A It was in March.
- Q How do you know it was in March? A That is what they call the month she was born.
- Q How do you fix the date? A I don't know. I am pretty well sure the child was born in March.
- Q You have sworn positively that the child was four weeks old last Monday? A It was born in March. I might have missed the date.
- Q It is impossible for her to have been born in March if your testimony is true? A She was birth in March. I am certain of that.

- Q Who told you the date of the birth of this child? A No one told me. I knew it was birth in March.
- Q Can you read and write? A No, sir.
- Q What day of the month is this? A I don't know.
- Q If you do not know what day of the month this is how do you know the child was born on the 1st of March? A That is what they said.
- Q What is what people told you? A I know it was birth in March.
- Q On what day of the week was that child born? A I don't know. I might be mistaken. I thought it was Monday. I can't read nor write but I know it was March.
- Q How long did the mother live after the child was born? A She lived about a month, I guess. I know she lived four weeks.
- Q Who is the father of this child? A I don't know.
- Q Polly Jefferson was not married? A No, sir.

ELIZABETH BARNETT, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Elizabeth Barnett.
- Q How old are you? A I don't know. I was 12 years old before the war.
- Q What is your post office address? A Woleetka.
- Q Did you know Polly Jefferson? A Yes, sir.
- Q Do you know a child of hers named Lila Jefferson? A Yes, sir.
- Q Polly Jefferson is dead is she? A Yes, sir.
- Q Do you know when she died? A Yes, sir, but I can't count. She died sometime in April, I think. It must be the last of April.
- Q Do you know what caused her death? A It was on account of child birth. The doctors said something like yellow consumption.
- Q How long after the birth of the child before the mother died? A I reckon about a month. I don't know the days of the month.
- Q How old is the child now: how many weeks old is the child now? A It is about five weeks old I think.
- Q Are you positive it is five weeks old? A Yes, sir.
- Q And are willing to swear to it? A Yes, sir. You know four weeks make a month and it is bound to be about five or six weeks old.
- Q Five or six weeks old now? A Yes, sir.
- Q You are positive of that? A Yes, sir.
- Q Can you read and write? A No, sir.
- Q Do you know what day of the week the child was born? A It was born on Friday.
- Q Are you positive of that? A Yes, sir. I couldn't miss the day, but the day of the month, I don't know.
- Q Amy Batts just testified that the child was born on Monday and was four weeks old last Monday. Is that correct? A That is correct, only it was not born on Monday. It was born on Friday.
- Q Was it four weeks old last Friday? A Yes, sir. It will be six weeks old to-morrow.
- Q Six weeks old tomorrow? A Yes, sir.
- Q Are you positive of that? A Yes, sir.
- Q Then the affidavit that you and Amy Batts have just executed, stating that the child was born on March 1st, is not correct. The child could not have been born on the first of March if it is just six weeks old? A That is right. The child must be about two months old.
- Q Do you know of your own personal knowledge? A When they come after me to attend on her they told me and I remembered it. They said it was the first of March the child was born and I remember it.
- Q Has any one told you during the last week that this child was born on the first of March? A No, sir.
- Q You never talked about the date of the birth of the child with any one to-day? A No, sir.
- Q Do you know it was the first of March? A They say it was. I know it was in the month of March.
- Q What relation is this child to you? A No relation.

Q You state that the child was five weeks old last Friday. Last Friday was May 11; the Friday before that was May 4; the Friday before that was April 27; the Friday before that was April 20; the Friday before that was April 13, and the Friday before that was April 6. That is five weeks. Was that child born on the 6th of April? A No, sir, it was born in March.

Q Are you positive the child will be six weeks old tomorrow? A I reckon, but I know he was born in March, but what day, I don't know.

Q In the affidavit which you have just executed you swore to what some one else told you, did you? A I don't know the day of the month. They told me that was the day of the month, but I know it was March.

Q You swear that it was on the 1st of March? A They told me that it was the first of March. I know the month but I don't know the day of the month.

It is impossible to get the witness to correct the discrepancies in her testimony.

Q Who else was present when that child was born? A Will Batts.

Q Where is he? A He is here in town.

Q Any one else present? A No, sir.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 18th day of May, 1906.

Notary public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY
SEPTEMBER 6, 1906.

N.B.P. 148

In the matter of the application for the enrollment of
Lila Jefferson as a Creek Freedman.

- a Notary Public
Will Batts being first duly sworn by Henry G. Hains, testifies
Filed as follows:

Questions by Commissioner:

- Q: What is your name? A: My name is Will Batts.
Q: How old are you? A: I am about 40 years old.
Q: What is your post-office address? A: Clearview.
Q: Are you any kin to Amy Batts? A: She is my wife.
Q: She testified here in May of this year and said her post-office was Veleetha, have you changed since then or was she mistaken in giving that post-office? A: She was mistaken, that was the old post-office before we had a post-office at Clearview, McDermott used to be the old post-office and we changed the post-office to Veleetha and then to Clearview, that is right close to it.
Q: Have you a grand-child named Lila Jefferson?
A: That is what they named her but I don't know whether they put her on the roll that way or not.
Q: You came in here a minute ago to ask about the enrollment of Lila Jones? A: This fellow that was going with her his name was Jones and he went back to the States and he taken sick and died there.
Q: You think a fellow named Jones was the father, do you?
A: Yes sir.
Q: What is his full name? A: I don't know he was a strange fellow that just came in.
Q: You just didn't know his full name, you knew it was Jones?
A: Yes sir, I just knew it was Jones.
Q: Well where did Amy Batts your wife get the idea of calling it Lila Jefferson? A: That is the child's mother's name.
Q: What was the child's mother's name? A: Her name was Polly Jefferson. She had the Jefferson, my wife was Jefferson before I married her. She was Jim Jefferson's daughter.
Q: So Polly the mother of this child was the daughter of your wife Amy Jefferson and of Jim Jefferson? A: Yes sir.
Q: Is Polly living? A: No sir, she is dead.
Q: When did she die? A: Along the first of May she died.
Q: How do you know she died? A: Because I was planting cotton on the 28 of April and she died the first of May.
Q: Well how long before she died was this child Lila born?
A: This child was born the 1st day of March.
It was born over a month.
Q: How much over a month was it? A: About 2 months.
Q: What made you say over a month if it was 2 months?
A: I didn't state exactly what time it was born I said it was born about the 1st. of March.

- Q: What day of the week was it born? A: I can't answer you that question.
- Q: You don't know what day of the week it was, how do you know it was the 1st. of March?
- A: I am a farmer, I know exactly pretty much every month in the year and I mean the 1st. of March I mean the first of March, I don't mean the first of May, I had to care for her mother for 5 months before this child was born, she was under the Doctor's charge, and on my hands at that time.
- Q: What is the name of the Doctors? A: Dr. Hampley at Okmulgee and Dr. Berry at Wetumka and Dr. Heilmeyer at Weleetka. That is all.
- Q: Which one was attending on Polly when she died? A:
- A: Dr. Berry he was the last man.
- Q: Which one was attending her at the time this child was born?
- A: We didn't have many one Doctor then.
- Q: Which one came there closest to the birth of the child?
- A: Dr. Heilmeyer was tending her at Weleetka, but he gave her up and throw up the job.
- Q: Did you have any of these Doctors for Polly after the child was born? A: No sir.
- Q: They had all three of them for Polly before the child was born? A: Yes sir.
- Q: Which was the last one you had? A: Dr. Berry.
- Q: Then who was the one who attended on Polly the closest to the date of the birth of the child? A: Dr. Berry.
- Q: How long before the birth of the child was it before he attended on Polly. A: Oh it was I guess a month when he quit the case.
- Q: So you can swear positively, that this child wasn't born at least a month after Dr. Berry made his last visit?
- A: No sir, I won't swear that positively, I am sworn to tell the truth and nothing but the truth and I won't swear it positively.
- Q: She was on your hands and you got these doctors for her and you can't tell me these dates when these doctors were there with reference to the birth of this child, and while you saw it was born on the 1st. of March, how is it that you can tell this one date and can't tell anything else?
- A: I am trying to tell everything else outside of March too, that is a plain thing.
- Q: When was it that Dr. Berry quit tending to Polly, what day and what month was it that he made his last visit to Polly?
- A: I don't know exactly but as near as I can come at it I think it was along in February, along in February as near as I can come at it.
- Q: What time in February? A: I can't tell you that.
- Q: You say you can't tell any one day in February of the 28 days when he made this last visit to the woman and yet you can tell the exact date when this baby was born?
- A: Some dates I don't remember, sometimes it was Sunday and sometimes Monday but I don't remember what day of the month it was.
- Q: Did that Dr. Berry come to wait on Polly as late as the 1st of February, any time about the middle of February?
- A: I don't know exactly, it might have been the 1st. and it might have been the middle I couldn't tell you exactly.

- Q: Did he charge you for his visits? A: Yes sir.
- Q: Do you still owe him something? A: No sir we paid him every time he came, cash money he wouldn't come without the money.
- Q: His post-office is what? A: Wetumka.
- Q: You think this child was born about a month after his last visit to Polly? A: Just about a month as near as I can come at it.
- Q: Was it more than a month or less than a month? A: I couldn't tell you, I never kept the time, I did farming and had so much on my mind that I couldn't keep that time.
- Q: Is this child Lila living? A: Yes sir.
- Q: Which do you think is its correct name, Lila Jefferson or Lila Jones? A: Well now sir, I can't say.
- Q: We have here an affidavit of Amy Batts the grand-mother and Elisabeth Barnett the midwife in which the name is given as Lila Jefferson, do you think that is correct?
- A: I guess they took the name after the mother.
- Q: The father being uncertain and the mother being dead?
- A: Yes sir. Jones run off and I meant to have him arrested. She run off from the school and went with him, and he run off and then came home to me.
- Q: How old was she when this child was born? A: 13 or 14 years something like that.
- Q: You had 3 doctors before the child was born but didn't have a doctor when Polly died? A: No sir. After the birth of the child we thought she was getting better and she took a spell right at once, I wasn't at home I was here in Muskogee when Polly died, I had to rush back home.
- Q: Were you here on business for the Commission? A: No sir.
- Q: You are not a citizen are you? A: No sir, I am a state man.
- Q: Negro? A: Yes sir.
- Q: Is this child Lila living? A: Yes sir. Right with me and her grand-mother. We raised her.
- Q: Now you said a minute ago you were sure an application was made for this child, did you refer to this affidavit of Amy Batts and the midwife? A: No sir. When I had my wife in there he told me to go out he was through with the midwife and my wife.
- Q: You know what day that was done? A: Yes sir.
- Q: How old was this child Lila at that time? A: Well I couldn't exactly tell you. I have got the date down in my book but I can't remember it now.
- Q: When did you put it in the book? A: I took down the age of the child the day it was born.
- Q: When did you put it down, that very day? A: Yes sir.
- Q: Did you write it? A: No sir, her sister Georgea Jefferson put it down.
- Q: What did she put it down with, a pen or a pencil? A: With a pencil.
- Q: In what book? A: A bible.
- Q: Is there anything written in that book after the entry of the birth of the child? A: No sir that is the last one.
- Q: Who buried Polly? A: I did.

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Q: Didn't you have an undertaker? A: No sir, we go to town and buy a coffin and carry it to the graveyard, she is buried on my place where my father and sister is buried.

Q: Is any mark on the grave? A: No sir, I am going to have a tomb-stone put on the grave.

Q: What are you going to put on the grave? A: We haven't got the date she died, we don't exactly have the date she died, we will put the year she died in.

Q: You don't know the date she died then? A: No sir, I never kept count of it.

Q: That happened after the birth of the child, didn't it?

A: Yes sir.

Q: You can't tell me the day or month she died and you can't tell the exact day and month when this child was born?

A: I have to tell you as my mind comes to it, I can't tell you in my remembrance at all.

Q: What day of the week was this child born on?

A: I disremember that sir, I won't say, for I may say wrong.

Q: Was it born on Sunday? A: I don't know sir, I couldn't tell you that.

Q: You wouldn't even know if it was born on Sunday or not, the day people go to church? A: If you didn't pay any attention to it how can you tell it was born March 1st. how can you tell that? You don't know as a matter of fact that it was born on March 1st. do you?

A: I remember I was going to plant corn on the 1st. of March we have a general rule of planting corn on, and the news came to me about a mile from home to come home at once and I sent a boy for the midwife and when I get there I seen what the trouble was going to be, but what day it was I don't know.

Q: What day did you plant Cotton on last year?

A: I don't know.

Q: Then you don't always plant ~~corn~~ cotton on the 1st. of March do you? A: We plant corn if it is suitable, sometimes a little before March.

Q: What time did you plant corn last year? A: Sometimes we plant it early and sometimes later

Q: What particular day? A: I can't tell you any particular date.

Q: Then you don't plant corn or cotton on any particular date?

A: No sir.

Q: Then how can you tell this child was born on the 1st. according to your planting, you can't tell us can you?

A: Planting corn and cotton is two different things. We have different times to plant crops in.

Q: Therefore you cannot tell the date of the birth of the child on account of that.

A: I can remember the date sir.

Q: Where was this child born, at whose house?

A: Right in its grand-mothers house, in my wife's house?

Q: Was anybody else there besides the midwife? A: Yes sir. Reas Jefferson.

Q: She is a black woman ain't she? A: Yes sir, she is a sister.

- Q: What date of the month is this? A: Well sir, I don't know I ain't kept up with the dates.
- Q: You don't know what day of the month it is and yet you state that this child was born on the 1st. day of March?
- A: I don't know what day, the 1st. day of March came on.
- Q: If you don't know what date this is, how can you remember the 1st. of March?
- A: It has been raining so much and keeping me half crazy about my cotton, I ain't kept up with the dates of the month.
- Q: Did you keep up with it the time that child was born?
- A: I came mighty near keeping up with the 1st of the month, ~~max~~ sometimes the 1st. of the month would come and it would be 3 or 4 days before I would think of it.
- Q: Did your wife's daughter Polly die on account of the birth of this child? A: I don't know about that sir.
- Q: What was the cause of her death? A: She had taken a breaking out like the small-pox and finally Dr. Hentley said she was poisoned, she was swelled up so she couldn't eat and couldn't drink, he tongue was swollen up a think as my hand and he took poison to cure a poison and the doctor told us it wasn't any use to throw away any more money for her because she ain't going to get up. She never did she the child when she was sick after it was born.
- Q: Isn't it a fact as indicated by your ignorance and your ignorance of dates and your ignorance of dates in general that you say the child was born on the 1st. of March and stick to it because you knew it had to be born on that date in order to be enrolled.
- A: No sir I don't know anything about the enrollment, because I had no children to enroll.
- Q: You knew however they had given in this date, Amy and the midwife? A: Well I did hear her brother say, Redmond Holmes, told her, you ought to enroll that child now.
- Q: When did he tell her that? A: Directly after the child was born.
- Q: What was his name? A: Redmond Holmes.
- Q: What is his post-office? A: Wetumka.
- Q: Any kin to her? A: Any's brother. He told us when the enrolling was going on at Okmulgee when it was going to open up for new borns.
- Q: When was that? A: Directly after it was born. A few days after it was born.
- Q: Did he say what date? A: My wife was telling me what he said and I said you will have to take the child.
- Q: Did this fellow Redmond Holmes come to the house as close as three days after the birth of this child? A: No sir, he wasn't there.
- Q: You stated that he was there directly after it was born, was it as much as a week? A: It might have been as much as a week and it might have been less.
- Q: Could it have been two weeks? A: I don't know.
- Q: He said the rolls was just about to open up?
- A: No sir, he said the roll was going to open up for the enrollment of new borns.
- Q: Did he say when? A: She told me in March and when the roll was opened up of course the people was notified she said he said for the enrollment of new born children it was going to open up in March.

- Q: Did he tell you that before March? A: No sir, he said that directly after the child was born.
- Q: What sense would there be in him saying it would open up on March if it was March then? A: Redmond Holmes has done a great deal of filing here, I guess you know that.
- Q: Now your wife has stated here that it was born on Monday and the midwife stated positively that it was Friday, do you know whether either of these days of the week are correct?
- A: No sir, I don't know whether it is or not.
- Q: The midwife who attended this child was asked this question: Q: Who else was present when that child was born.
- A: Will Batts.
- Q: Where is he? A: He is here in town.
- Q: Was anyone else present? A: No sir.

The midwife who attended when the child was born stated you were the only one present? A: Surely she didn't mean I was there in the house, I was on the place but she didn't mean I was there with the midwife.

- Q: And you took Amy and that midwife over to the Commission Field Party? A: No sir, I didn't do that.
- Q: You took them to town the day that they went in there to make this affidavit? A: Yes sir, I took them to town.
- Q: Now how old was that child at that time?
- A: Well I tell you, I couldn't answer that and state the truth because I didn't keep it in my brains.
- Q: About how old was it, was it 6 or 5, or 4 or 3, or 2 or 1 month old or what? A: Gentlemen I can't answer it because I want to be certain.
- Q: Now if you can't state close to its age, can you tell us about how old it was at the time when you took these people in there for the purpose of making application when you must have had the date of birth in your mind, if you can't tell that, then you can't say it was born March last, can you?
- A: I didn't come up here to be a witness on that thing because my wife wanted to see if it was enrolled and asked me to come up here and see what the Commissioner had done, I come
- Q: But you do remember hitching up and driving these two women to town? A: Yes sir.
- Q: I didn't ask you to state what day of the month it was, I am asking your recollection of how old was that child at that time. A: I said it has been several days since she got word that she could enroll that child, anyhow I carried her there with a load of cotton in my wagon and I did didn't go to find out anything about enrollment.
- Q: But you knew they were taking that child to try to enroll it?
- A: Yes sir.
- Q: Wasn't the date of its birth closer to then than it is now?
- A: Yes sir.
- Q: Were you not taking these women there so they could make application for it? A: Yes sir, I took them in there.
- Q: Then it stands to reason that the date of birth would be nearer to your time then than now because you said you didn't know you would be called upon to testify? A: No sir I didn't.
- Q: How old is Lila now? A: She is living at your house?

- A: Well she would be going on 7 years old.
- Q: Now you took a long time to answer that question didn't you? Just answer the question, didn't you take a long time to answer that question?
- A: Yes sir, I took time to find out.
- Q: What do you mean by that? A: I wanted to find out from the time she was born until the time she was living now.
- Q: You figured then from the time of its birth, did n't you?
- A: I don't have to take a long time to give account of my age. You state now that the child was born the 1st. of March do you mean the 1st. day of March or the first part of March? A: I mean the 1st. day of March.
- Q: Was it born in the day time or in the night time? A: I can't tell you.
- Q: Now you can't tell me, don't know what day of the month today is, you don't know whether the child was born in the day or night time and still you can say it was born the 1st. of March, how is that?
- A: I can say today is Thursday, I can't tell you what day of the month it is but I can say today is Thursday.
- Q: But you can't tell what day of the week the child was born on but you say it was the 1st, that is a difference.
- A: I ain't going to say without I know it for certain.
- Q: Well do you know for certain that this child was born on the 1st. day of March? A: Do I know for certain whether this child was born on the 1st. day of March, yes sir I do. This date is so plain every man knows when the 1st day of March comes in, but we don't know what date every time, sometimes when a month comes in I don't remember what day of the month it is or nothing like that.

At this time John G. Lieber acting for Attorney for Creek Nation, makes his appearance

- Q: How long after the birth of the child was it that the mother died?
- A: Well now I will tell you, I can't say positively to let it be sure.
- Q: Didn't you just tell me less than 2 minutes ago that it was about 2 months? A: I said, I reckon, I didn't say positively.
- Q: What are you figuring around for now, to make it correspond with the date that the child was born, how long was the child's mother sick fate the child was born before she died?
- A: The mother had been sick all the time.
- Q: That don't answer my question; how long was she sick after the child was born until she died?
- A: Ye some right to the point, I can't tell you.
- Q: She was sick right there at your house all the time wasn't she? A: Yes sir, right there in the house all the time.
- Q: When was it the mother died? A: I said the mother died the 28th. of May.
- Q: Well now are you certain about that date? A: I will answer that as near as I can come at it.

Questions by Commissioners:

- Q: Didn't you say you knew it was the 28th. of May because you were planting cotton? A: I don't never take it back I know it was the 28th. of May.

Q: You know it was the 29th. of May and you have reason for knowing that have you? A: According to my account now.

Questions by John G. Lieber, acting for M. L. Nett, attorney for Creek Nation.

Q: You say you came up here to get a couple of boys out of jail about the time the mother died, is that right? ---that I spoke to you about, a minute or two ago--
(No answer)

Q: Now here, you certainly don't have to have an hour to answer that question, do you? A: No sir, I don't.

Q: Well then answer it, don't wait an hour to wait to see if it will correspond with the date of the birth you fix for that child? Did you come to get these boys out of jail about the time the mother died? A: I came here after the mother died.

Q: About how long afterwards? A: About the second day, we had the boys in jail about 4 days.

Q: Did they arrest the boys at your house or in the neighborhood? A: No sir, they arrested them in Okmulgee.

Q: Was the mother of this child living when they arrested the child? A: Yes sir.

Q: And they were in jail about 4 days? A: Yes sir.

Q: You came here two days after she died to get the boys out is that right? A: Yes sir.

Q: Now what is the name of these boys you get out of jail?

A: Well there was John Jefferson.

Q: Who else? A: Nathan Jefferson.

Q: Is that all? A: No sir, we have two more.

Q: All the same time? A: No sir, we got two out one day and two the next day.

Q: What are their names? A: Henry Holmes and Simon Peters.

Q: Now you got these boys out of jail about the 31 day of May didn't you? The last of May or the 1st. of June?

A: I don't understand you.

Q: You don't understand anything about anything but the 1st. day of March, my question was you got those boys out of jail about the last of May or the 1st. day of June didn't you? What have you got to say about that?

A: Somewhere along in June.

Q: They were in jail here at Muskogee were they? A: Yes sir

Q: You have made a deal with somebody to lease or rent this child's land, haven't you whenever you get it allotted to it, haven't you? A: No sir, I have her mother's land right today that is not leased.

Q: Has anybody been appointed guardian for this child?

A: No sir, not any.

Q: It is your intention to have somebody appointed guardian isn't it? A: Oh yes, we are going to have somebody appointed guardian.

Q: You told me that Mr. Gray represented these boys that you got out of jail, he was their attorney was he?

A: Yes sir, there were two attorneys.

Q: Isn't it a fact that you have made arrangements with this man Dunlavy to be appointed guardian of this child when you get its allotment made? A: No sir.

Q: Never have said anything to him about that? A: No sir not a word.

Q: How about your wife, has she made any arrangements with Mr. Dunlavy about being appointed for this child?

A: No sir.

Q: Never said a word to him about it? A: No sir.

Questions by Commissioner:

- Q: Was Polly dead at the time your wife Amy went to make that affidavit about its birth? A: Yes sir.
- Q: How long had she been dead then, how long did they wait after her death until they went to apply for the child?
- A: Oh, I don't know I can't remember that how long it was to save my life, I can't remember it.
- Q: She died in your house did she? A: Yes sir, right in my house.
- Q: You drove your wife and the midwife over to town at the time they made that affidavit and you don't remember it?
- A: I was tending to my business and my wife and the midwife was going to attend to that business, I didn't pay any attention.
- Q: You didn't go in with them when they made the affidavit but you drove them around, but you don't know how long Polly had been dead at that time?
- A: I couldn't give you the proper answer to that how many times or how long it had been since.
- Q: You can't tell what date you drove them over there then?
- A: No sir, I don't know whether it was on Saturday or not or I don't know whether it was on Monday.
- Q: You can't say what date of the week or what date of the month it was? A: I told you a while ago I don't remember what date of the month it was.

Questions by J. G. Lieber, acting for attorney for Creek Nation.

- Q: Isn't it a fact that Polly wasn't dead at the time this affidavit was made? A: Yes sir, she was dead.
- I knew we had a little baby and was expecting it to die every day, it was so sick we expected it to die and we had to feed it on milk and get it up by feeding it on the medicine the Doctors gave us and we got it up and got it well.
- Q: You say you got some medicine from the Doctor for the baby?
- A: Yes sir.
- Q: Where? A: Weleetka, or Henryetta. Or any place else.
- Q: Did you buy any of the medicine on credit? A: No sir, I paid for it on cash.
- Q: You are certain that this child was born sometime after the last visit of Dr. Berry to the mother of this child?
- A: Yes, Dr. Berry was the last Doctor that called.

Questions by Commissioner:

- Q: Would you tell whether the last visit of Dr. Berry came in the same month that the child was born in?
- A: No sir, I couldn't do that.
- Q: What were you doing when the doctor told you that your daughter couldn't get well? A: I was plowing, breaking land.
- Q: For what purpose were you breaking land?
- A: Breaking it for cotton.
- Q: Had you already planted your corn? A: Yes sir, I had planted corn.
- Q: You are certain that at the time the Doctor called you out and told you that it was no use for ~~him~~ to make further visits, you had already planted your corn, you are certain of that are you? A: I am certain I had done planted corn.

- Q: Then you are also certain that it was sometime after that conversation with the doctor that this child was born, but you don't know how long after that?
- A: It was born after the doctor quit sometime, yes sir.
- Q: Now when did you plant corn this last spring? A: I told you sometime in February.
- Q: Did you get a stand? A: Yes sir, I got a stand of corn.
- Q: Don't you know as a matter of fact that you never planted a grain of corn in the month of February of this year.
- A: No sir, I ~~didn't~~ know that I planted corn in February like I tell you.
- Q: Don't you know as a matter of fact that the weather during last February that we had a man couldn't plant corn during that month? A: No sir. It might have been here in Muskegee, but it wasn't out in our country. I knew 4 or 5 who planted corn in February.
- Q: When do you generally plant corn? A: According to the weather, sometimes we plant corn in March and sometimes the first of April according to the weather.
- Q: And sometimes you plant the first of February?
- A: According to the weather is the way we plant cotton or corn

Ned Holmes being first duly sworn, by Henry G. Hains, Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Ned Holmes.
- Q: How old are you? A: 51.
- Q: What is your post-office address? A: Clearview.
- Q: What is your business? A: Farming.
- Q: Do you live close to Will and Amy Batts? A: Yes sir about a mile and a quarter.
- Q: Have you lived there as long as a year? A: Yes, and longer too.
- Q: Do you know their daughter Polly? A: Yes sir.
- Q: Is she living? A: No sir, she is dead.
- Q: When did she die?
- A: I disremember, in March or April somewhere in there, I disremember what time.
- Q: Now tell us the truth Ned, don't you know whether it was March or April? A: No sir, I was down here and after I got home she died the next day, I can't tell whether it was March or April she died, I run down here so often.
- Q: What did you come down here so often for? A: I came with people who come to file their babies.
- Q: Are you any kin to Will or Amy? A: Amy is my sister.
- Q: This Polly is not Will's child? A: No sir, Jim Jefferson's child.
- Q: Are you acquainted with John and Nathan Jefferson?
- A: Yes sir they are all my nephews.
- Q: Amy's children are they? A: Yes sir.
- Q: And brothers of this Polly who died? A: Yes sir.
- Q: At the time you came to Muskegee, was it for the purpose of getting these boys out of jail there?
- A: No, let's see what time that was, that was away after this girl was dead when I came to get these boys out.

Questions by John G. Lieber, acting for attorney for Creek Nation:

- Q: Are you sure of that Ned? A: No sir, I am not certain of that, I think it was April or May when we came to get these boys out of jail.
- Q: What we are trying to find out did that woman die just about the time you actually got these boys out of jail?
- A: No sir, it was before.
- Q: Are you sure of that? A: I am pretty sure, I wasn't no witness when they went to enroll at Weleetka and didn't pay much attention to it but I followed them up here this morning.
- Q: How old is that child Ned? A: I don't know whether it was born the last or the 1st. of March, when I got home the child was there, but I didn't ask when it was born.
- Q: When were you down here in March? A: I was here two times in March.
- Q: When did you leave on the first trip? A: I don't know. I was coming so often I didn't keep account.
- Q: You say you made two trips in March? A: Yes sir.
- Q: What time did you make the first trip when you came up here?
- A: I am not certain when it was.
- Q: When you came on the first trip the child wasn't born yet?
- A: I don't think it was.
- Q: Now think a little and see if you can be a little more certain about that?
- A: I don't know, I have been running down her in January, February and March, and I don't try to keep the dates at all.
- Q: Did you ever hear these people say when this child was born? A: Yes, some said it was February and some said March I don't know, my sister can tell more about it than I can.
- Q: What is your sister's name? A: Amy Batts.
- Q: You were here at Muskogee when that child was born?
- A: Yes sir.
- Q: What were you doing on that trip? A: Lots of people were filing their babies and I came and stayed with them four or five days or a week and just on that way.
- Q: Who did you come with on the trip you made when this child was born? A: I think it was Mary Barnett.
- Q: What was the name of the child that Mary Barnett came to file for? A: I forget that, there was so many filed along last winter.
- Q: Now Ned, sort a jog your memory a little and see if you can't be certain about having come here with Mrs. Barnett at the time that child was born? A: Well sir, I forget I never tried to keep account of the time I was down here.
- Q: I am just asking you if you are certain that the child was born at the time you came with Mary Barnett to file for that child?
- A: No sir I am not certain I wouldn't say but it was somewhere along that time, I have been here two trips in March.
- Q: You are certain it was in March? Are you certain that this child was born during one of those trips you made in March for Mary Barnett, or with Mary Barnett?
- A: I am not exactly certain.
- Q: You are just guessing at that are you?
- A: I didn't pay any particular attention.
- Q: Did you see this child as soon as you got home from Muskogee

- A: I guess it was 4 or 5 days when I went to see it.
 Q: What was the condition of the weather when you went to see that child? A: Pretty cold.
 Q: What was the condition of the crops at that time?
 A: There wasn't any planted.
 Q: None at all? A: No, I don't believe there was, if there was, I don't know anything about it.
 Q: Do you know about when Will Batts planted corn last Spring?
 A: No sir, he planted a while before I did.
 Q: Did he plant corn at the time this child was born, Ned?
 A: No I am not certain that he did, he may have but I don't think he did.
 Q: What time do you usually plant corn in that country, Ned?
 A: People plant a little in March, the latter part of March.
 Q: Did you ever know of anybody planting any corn there in February? A: No sir.
 Q: You never did, did you, Ned? A: No sir, never did.
 Q: You generally plant corn all the way from the middle of March to the 1st. of May don't you? A: Sometimes to the middle of May.
 Q: Don't you know that the weather in last February was such that you couldn't plant corn? A: That is right, it was rough.
 Q: If a man had planted corn in February, he wouldn't have gotten a stand at all would he? A: No sir.
 Q: In fact, isn't it a fact that corn this year was planted rather late for this country? A: Yes sir, it was.
 Q: Isn't it a fact that it was planted late because the farmers couldn't get in on account of the weather?
 A: Yes sir. I don't know just when the child was born and when I got back I don't know exactly when it was.

Questions by Commissioner:

- Q: Which was born first according to your knowledge this child of Polly's or your child Arthur.
 A: Mine was born April 1905 just too late to enroll last year.
 Q: But you didn't enroll it then until this year? A: I didn't enroll it until last May.
 Q: Was this child of Polly's born when you came to enroll Arthur? A: Yes sir.
 Q: How old was it? A: A month or two I guess.
 Q: What makes you think that? A: I am just thinking now, I am not sure of that, they went down to enroll it a day or so before I went to enroll mine.
 Q: How long was your sister's child sick after this child was born? A: About 4 or 5 weeks somewhere along in there.
 Q: How old when did your sister die? A: That is what I say I can't tell you.
 Q: You said it was the 1st. of May? A: I think it was somewhere in there, close to May somewhere.
 Q: Do you know when they went to enroll this child at Selectin?
 A: Yes sir.
 Q: How long had your niece been dead when they went to enroll this child? A: I don't know just how long, it was about 6 weeks.
 Q: Did you make any record of Polly's death, Ned? A: I think they have, I never.
 Q: Where do they generally make this record?
 A: I guess they have it right there at home, I don't know of anywhere else.

- Q: Did you buy a coffin for her? A: Yes sir.
Q: Where? A: Waleetka.
Q: At whose store? A: John Jeffersons, but when they went down there I was sick, I didn't go even to the burial.

Questions by Commissioner:

- Q: Are you sure that the coffin was bought there? A: Yes sir
Q: Where was it bought? A: Waleetka.
Q: What makes you think that? A: They went down there and came back from there.
Q: Did you see the coffin? A: No sir I didn't go to the burying at all I was sick.
Q: Now Ned, do you know just when that child was born?
A: No sir, I do not.
Q: Now you have heard them say when it was born haven't you?
A: No sir, my sister claimed it was the 3rd. of March and Batt said February, but what time, I couldn't say.
Q: You know as a matter of fact that neither one of these dates is correct? A: No sir.
Q: You don't think that either of these dates are correct?
A: No sir, I think it was, I think it was about the 10th. of March. I think it was the second trip I was down here in the month of March, it was born while I was down here, when I got back the child was there.
Q: You are positive then that it was born after the 4th. of March? A: Yes, I am pretty sure of it.
Q: These people are probably trying to fix it up?
A: I do n't believe my sister is, she don't care about bothering with it at all.
Q: We have here the affidavit testimony of Amy saying it was on the 1st. of March.
A: She can read, but she don't know what day of the week it was though.

This is all the evidence that was given in said cause on said date.

I, Julia C Laval on my oath state that the above and foregoing is a true and complete transcript of my stenograph notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before
me this 21 day of September, 1906.

Edward Merriam
Notary Public

Mr. B. G.

This is a very
close case, but the
witnesses who made the
affidavits showed in their
testimony that their know-
ledge was from hearsay, and
the only other ^{favorable} witness was
plainly lying.
AWE

I cannot concur
with this decision
or I am of the
opinion that
applicant is
entitled to be
enrolled

J. C.

Cr. 1089
NEW 148.

WSS
CK

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Lila Jefferson as a Creek freedman.

DECISION

The record in this case shows that on May 17, 1906, application was made, in affidavit form, for the enrollment of Lila Jefferson as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. 137). Testimony was taken in this matter on said date and further proceedings were had September 6, 1906.

It appears from the evidence and the records in the possession of this office that the said Lila Jefferson is the minor child of Polly Jefferson, deceased, whose name appears on a partial schedule of Creek freedmen approved by the Secretary of the Interior, March 13, 1902, opposite No. 1125, and a father whose identity is not established.

The evidence as to the date of the birth of the applicant is contradictory. However, notwithstanding the direct statements of the witnesses who testified herein that said child was born March 1, 1904, it can be said that there is a failure to prove that she was born on or prior to the fourth day of March, 1906.

It is, therefore, ordered and adjudged that the applicant, Lila Jefferson, is not entitled to be enrolled as a Creek freedman under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. 137), and the application for her enrollment as such is accordingly denied.


COMMISSIONER.

Mustogee, Indian Territory.

FEB 18 1907

Gr.No.1007.

Muskogee, Indian Territory, February 16, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Lila Jefferson, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IM-101.

Br. In. 1007.

Nekegah, Indian Territory, February 16, 1907.

The Honorable,
The Secretary of the Interior.

Sirs:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Lila Jefferson, as a Creek person, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

EW-107.

Through the Commissioner
of Indian Affairs.

Cr. No. 1009.

Mustang, Indian Territory, February 16, 1907.

My Wife,

Wicketta, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Lila Jefferson, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM-100

Refer in reply to the following

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

Land
18310 1907

WASHINGTON March 4, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 16, 1907, transmitting the record relative to the application for enrollment of Lila Jefferson as a Creek freedman. On February 13, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The decision of the Commissioner has been examined and found to be correct and its approval is recommended.

Very respectfully,

C F Larrabee
Acting Commissioner

JPB Y

DEPARTMENT OF THE INTERIOR
WASHINGTON.

JF
BPH

I.T.D. 5040, 6150, 7354, 7362, 7382, -1907
7390, 7410, 7424, 7434, 7442, 7454,
7494, 7590, 7400, 7402, 7404, 7414,
7420, 7432, 7434, 7438, 7458, 7460,
7462, 7468, 7492, 7504, 7508, 7530,
7570, 7702, 7704, 7712, 7720, 7734-1907.

March 4, 1907.

Direct,

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed. Copies of Indian
Office letters submitting your reports and recommending that the
decisions be affirmed are inclosed.

Title of Case.

Date of your letter
of Transmittal.

Annie Davis, et al., (freedmen),	February 5, 1907
Martha Manika Davidson,	February 9, 1907
William Perryman,	February 12, 1907
Isabel Niece,	February 12, 1907
Kissie (deceased)	February 12, 1907
Mary Perryman, (deceased)	February 12, 1907
James Larnoy (deceased)	February 12, 1907
Senetta and Idahell Rattle, (freedmen)	February 20, 1907
Snake,	February 20, 1907
James P. Sandleton, (deceased)	February 20, 1907
Lilly Valentine, et al., (freedmen),	February 22, 1907
Frank Jackson, (deceased freedman)	February 20, 1907
Rose Blanton, (freedman),	February 10, 1907
Lola Love, (freedman)	February 20, 1907
Bern Lee and Savanna E. Castle, freedmen,	February 12, 1907
James Deers, et al.,	February 19, 1907
Charley Kernell,	February 2, 1907
Willard Smith, (freedman)	February 2, 1907
Lilla Jefferson (freedman)	February 12, 1907
Bertha Anderson, (freedman)	February 10, 1907
Katie Smith deceased (freedman)	February 14, 1907
Lucy Grayson, deceased,	February 1, 1907
William Wayne,	February 22, 1907
Josh Thompson, deceased,	February 22, 1907
Fellie Graham, (freedman)	February 22, 1907
Hilothec (or Nellie Hall)	February 22, 1907
William Bennett, (freedman)	February 23, 1907
George V. Bird, deceased,	February 19, 1907
Joseph E. Wheeler Senchman, deceased,	February 2, 1907
Charles Allen Dumas,	February 2, 1907
William A. Liza Parker,	February 12, 1907
Richard Watkins, freedman,	February 24, 1907
Tracy, (freedman),	February 24, 1907
William (freedman)	February 24, 1907

I have been sent and all the papers in the above mentioned cases
are being sent to the Indian Office. Respectfully,
J. M. Smith

No. 2088
W.F. 148

Mustang, Indian Territory, March 13, 1907.

Polly Jefferson,

Wickett, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Lila Jefferson as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1090

CR EN 1090

*True copy
to Lieber*

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
SEPTEMBER 24, 1906.

N.B.P. 165.

In the matter of the application for the enrollment of
Susie Smiles, as a Creek Freedman.

Appearances: John G. Lieber, acting attorney for Creek
Nation.

Lizzie Smiles being first duly sworn by Henry G. Hains
testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Lizzie Smiles.
Q: How old are you? A: I am 25 years old.
Q: What is your post-office address? A: Gibson Station.
Q: What is the name of your father? A: Louis Perryman.
Q: What is the name of your mother? A: Sudie Ward now.
Q: What was it before? A: Her name was Sudie Perryman.
Then she married Jack Lewis and he died then she married
Ward.
Q: Name some of your brothers and sisters?
A: Hugh Perryman.
Q: Have you some half brothers and sisters? A: No sir I have
no half brothers, I have half sisters.
Q: Name them? A: Sally Lewis, Sadie Lewis, and Lucy Lewis.

The witness Lizzie Smiles is identified as Lizzie Perryman
opposite Creek freedman Roll No. 3696.

- Q: Did you have a child born this Spring? A: Yes sir.
Q: What was its name? A: Susie Smiles.
Q: Is it living? A: No sir, it is dead.
Q: What is the name of the father of that child?
A: Rufus Smiles.
Q: He is a state man, ain't he? A: Yes sir.
Q: Are you married to him? A: Yes sir.
Q: When were you married to him? A: February 24th.
Q: This year? A: No sir. It was 5 years the 24th. of this
gone February.
Q: Is this child Susie the only child you had by him?
A: No sir, I lost one for him.
Q: How long did it live? A: It didn't live it came in dead.
Q: How long did Susie live? How old was she when she died?
A: I don't know exactly.
Q: About how old was she, a week or two weeks or what?
A: I don't know how old she was, she was born on the 17 of
February and died the 22nd. day of March.
Q: You don't know how old it was when it died do you?
A: No sir.
Q: How do you know it was born on the 17 of February?
A: I know when it was born.
Q: Did you write it down anywhere on a book or a piece of paper?
A: Yes it was written in my bible at home.
Q: You wrote it, did you? A: Her father wrote it, Mr. Smiles
wrote it.
Q: Rufus? A: Yes sir.
Q: What did he write, a pen or pencil? A: I don't know.

- Q: What did it say, do you know? A: He just put down the age of it, and he has got down the other three children's ages.
- Q: Did you have two others by him? A: No sir, I have an older child but he is not its father. Maud McCrea is her name.
- Q: He wrote down the name of that one and the other one that died and Susie? A: Yes sir. He wrote down Maud's name and the other one that died and Susie.
- Q: Who was present when Susie was born? A: My husband and myself and the midwife.
- Q: What was the midwife's name? A: Maggie Wyn.
- Q: Did you have any Doctor when this child was born? A: No sir.
- Q: Where is that child buried? A: Over at Marshall's grave yard.
- Q: Was it a month old when it died? A: I don't know sir, I can't read or write or figure well enough to know how old it was, I am not for telling any lies in this case, that is why I won't say.
- Q: Was it born one month and died the next? A: Yes sir. It was born the 17th. of February.
- Q: What day of the week was it born? A: I don't know, I have forgotten that, I never kept up with it because I didn't know we were going to have it enrolled at all.
- Q: When did you first know it? A: When the bill was passed. We taken a paper, at least we got a paper and it was in the paper.
- Q: That is the first time you thought of enrolling it, was it?
- A: Yes sir.
- Q: Was the child dead when you got that paper with the notice in it? A: I think it was.
- Q: When did you get that paper? A: I don't know, I can't remember, I don't know just when it was.
- Q: Did you buy a coffin for the child? A: No sir, we made it.
- Q: Who made it? A: The men made it over there.
- Q: Do you know his name? A: Yes sir. Jourden Smith and Robert Prior made the coffin.
- Q: Who else? A: That is all, I paid no attention to that.
- Q: If your statement is correct about the date of the birth and the death, it wasn't but just a little over a month old.
- A: That is when it was born and when it died.
- Q: You are sure it wasn't two months old when it died?
- Q: How big a child was it? A: I don't know.
- Q: It is easier to know how big a child it was than to remember the date of the birth and the date of the death, ain't it? A: Yes sir.
- Q: About how old was it? A: About a month and maybe a little better.
- Q: Did you write down in that book the date of its death?
- A: Yes sir.
- Q: Did Rufus write that? You are sure he wrote down the date of the birth and death of this child? A: Yes sir.
- Q: When did he do that writing?
- A: He wrote the birth when it was born.
- A: The same day? A: No sir, not the same day but about the same time.
- Q: The day after? A: I don't know sir, just exactly what day it was.

- Q: When did he write the entry about the death? A: After it died.
- Q: The same day? A: No sir, it wasn't the same day.
- Q: The next day? A: No sir, it wasn't the next day.
- Q: How long afterwards? A: I couldn't tell you just exactly the date.
- Q: Where was the child born, at your house in Gibson Station?
- A: Yes sir.
- Q: Do you live right in Town? A: No sir.
- Q: How far and which direction? A: I live about a mile South of Gibson Station.
- Q: Did it die in the same place? A: Yes sir.
- Q: Where is this Marshall Cemetery, what direction from town?
- A: It is between the rivers.
- Q: Was anybody else present besides you and your husband and the midwife when the child was born? A: No sir.
- Q: Give us the names of some people who were present at the funeral? A: I didn't go to funeral, I was sick at the time.
- Q: Tell us some of the people who were present when it died?
- A: Me and my husband was there, it died in the night.
- Q: Is that all? A: Yes sir.
- Q: Was it buried the next day? A: Yes sir.

Questions by J. G. Lieber, acting attorney for Creek Nation.

- Q: You say you don't know what day of the week it was born on?
- A: No sir.
- Q: What day of the week did it die on? A: I don't know that, I wasn't keeping up with that at all, I didn't think of anything like this coming up and I didn't keep up with it, I am no scholar and I can't figure much.
- Q: You don't need to figure what day of the week the child was born on, whether it was Sunday, Monday or what day of the week it was.
- Q: Well I have forgotten, I don't want to say.
- Q: This only happened last Spring since this child was born and since it died? A: Yes sir.
- Q: Well do you tell the Commissioner that you don't remember what day of the week it was born on or what day of the week it died on? A: No sir, I don't know. I knowed it but I forget it.
- Q: Still you swear positively that it was born on the 17th. of February and died on the 22nd. of March? A: Yes sir.
- Q: You are positive of that are you? A: Yes sir, as near as I can come at it.
- Q: Now you made an affidavit about the birth of this child before a Notary Public, didn't you? A: Yes sir, I did.
- Q: Did that Notary Public come to your house and make that affidavit? A: No sir, I went to his house.
- Q: What is his name? A: His name is Willis.
- Q: Now was this child dead at the time you made that affidavit?
- A: Yes sir, it was dead.
- Q: How long had it been dead at that time? A: I don't know, I just don't know.
- Q: Well about how long? A: Let me see, it died on the 22nd day of March, a little over two months, I guess as near as I can come at it.
- Q: When was it you made that affidavit before a Notary Public?
- A: I think it was in May. I am not sure.

- Q: Now when you made that affidavit, you had already put down in the bible the date when the child was born and when it died, hadn't you? A: Yes sir.
- Q: You couldn't be mistaken then about the date of its birth or the date of its death when you made that affidavit could you? A: No sir.
- Q: You took it from your bible, didn't you? A: Well I didn't take it from my bible either, but I thought I knowed it well enough, of course I didn't look at the bible. I haven't looked at it for a long time.
- Q: Well now in that affidavit, you swear that that child was born on the 15th. day of February, 1906, now you are swearing before the Commissioner here that the child was born on the 17th. day of February. How do you explain that? A: Well I just made a mistake, I sure must have if I said the 17th. I made a mistake, that is the reason I didn't want to say positively?
- Q: You told the Notary Public when the child was born, didn't you? A: Yes sir.
- Q: And he put it down in the affidavit? A: Yes sir.
- Q: You signed the affidavit? A: Yes sir.
- Q: And swore to it? A: Yes sir.
- Q: Now you know how many weeks old that child was when it died don't you? A: It was about a month I reckon.
- Q: Do you mean to tell the Commissioner here that you had a child last Spring that only lived a few weeks and you can't tell me how many weeks old it was at the time it died? A: It was about a month and 5 days old as near as I can come at it, I just don't know, I am honest with you.
- Q: When a child is young and a week old, you know when it is a week old? A: Yes sir.
- Q: When it is two weeks old, you know it is two weeks old, don't you? A: Yes sir.
- Q: If it only lives a few weeks, you know how many weeks old it is when it dies, don't you? A: Yes sir.
- Q: Why can't you tell this Commissioner how many weeks old it was when it died? A: Well we can forget it.
- Q: Not so soon after as that, I should not think. How long were you sick after this child was born? A: Why I have been sickly all the time.
- Q: Not in bed all the time, were you? A: No sir, I wasn't in bed, I have been around.
- Q: How long were you in bed after this child was born? A: Why, I don't know a week I reckon.
- Q: Did you have a Doctor during the time you were sick after the child was born? A: No sir.
- Q: Now you say you were sick when the child was died? A: Yes sir.
- Q: Were not in bed? A: No sir, I wasn't in bed.
- Q: You didn't attend the funeral? A: No sir, I didn't go at all.
- Q: Did you have a preacher there when the child was buried? A: No sir.
- Q: How long had you been sick when the child died? A: Well I never had been well.
- Q: Never had a doctor with you during all that time, did you? A: I wasn't down in the bed, but I was lingering.
- Q: Did you get any medicine during that time? A: Yes sir, I was using Wine of Cardui and Black Draught all the time.

- Q: Where did you buy it? A: At Mr. Shannons. -
- Q: Did you keep an account there? A: No sir, we go there to spend our money.
- Q: Paid him cash, did you? A: Yes sir.
- Q: Did you bring that bible down here with you?
- A: No sir.
- Q: You can't say what days of the week this child was born on?
- A: I just don't know.
- Q: You know it wasn't born on Sunday don't you?
- A: No sir, I don't think it was.
- Q: Well now you know it didn't die on Sunday too, don't you?
- A: Yes sir, I know that. I think if I am not mistaken it was on Thursday when it died but I just don't know what day of the week it was born on, what day of the week.
- Q: What were the farmers doing at the time this child was born?
- A: They wasn't doing nothing, some were trying to clean up and some wasn't doing nothing.
- Q: What kind of weather was it when the child was born?
- A: It was pretty fair weather, sometimes cold right along there, and sometimes it would be right fair weather.
- Q: I know it is sometimes, Lizzie but I am not asking you about sometimes, what kind of weather was it when this child was born, that very day? A: It was a tolerably cool day.
- Q: Was there snow on the ground? A: No sir, there wasn't any snow on the ground then. I think if I am not mistaken that the snow was drying up or just before the snow or something.
- Q: Do you remember whether it rained on that day or not?
- A: No sir, I don't think it did.
- Q: As a matter of fact it was in the Spring-time when this child was born, it wasn't in the winter, was it?
- A: I don't know exactly what time Spring sets in. I don't know when it sets in, whether it sets in sometime in February or sometime in March, I don't know.
- I am ignorant and I can't read.
- Q: I don't think you are so ignorant as you make out, you don't look to be so very ignorant.
- Q: You don't know who attended that funeral?
- A: No sir, the men carried it off to bury it.

Rufus Smiles, being first duly sworn by Henry G. Hailes, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Rufus Smiles.
- Q: How old are you? A: 30 years old.
- Q: What is your post-office address? A: Gibson Station.
- Q: State man, are you? A negro? A: Yes sir.
- Q: What day of the week was the child born on? A: I don't remember.
- Q: Dead, isn't it? A: Yes sir.
- Q: How many weeks old was it when it died? A: 4 or 5 weeks.
- I don't remember.

- Q: Do you know what day of the week it died on? A: I think I do, I think it died on Thursday.
- Q: Well now can't you remember what day of the week it was born on? A: No sir, I don't remember what day of the week it was born on?
- Q: You know it wasn't born on Sunday don't you?
- A: I don't know when it was to tell you the truth.
- Q: Now Rufus, if it was born on Sunday, you would have remembered that wouldn't you? A: I couldn't say.
- Q: What is your occupation? A: Farming.
- Q: You think it died on Thursday? A: Yes sir.
- Q: You think it was 4 or 5 weeks old when it died? A: Yes sir.
- Q: Now what were you doing Rufus when the child was born?
- A: When it was born I was at the house. Do you mean what is my general occupation?
- Q: What had you been doing the day before that or the day after that? A: I was cleaning up ground for the last week or two about that time, I was cleaning up the ground all winter and until March I cleaned up 40 acres myself.
- Q: What time of the day or night was it that this child was born? A: Late at night.
- Q: Or early in the morning? A: No sir.
- Q: About midnight? A: Yes sir, between 11 and 12 or something like that.
- Q: Didn't have any Doctor? A: No sir, I didn't have any Doctor.
- Q: How long was your wife in bed before she got up after the child was born? A: Well I will tell you, I don't know she has been puny ever since we was married, she was up and down, I know she was confined to her bed several days I kept no case of it.
- Q: Had she been out of bed before the child died?
- A: Oh yes, she was up and around the house there and and back in bed, lingering along.
- Q: Now can you tell the Commissioner what day of the month that child was born on? A: Yes, it was supposed to have been born on the 15th. of February.
- Q: Is that just a supposition of yours Rufus or is it a fact?
- A: I guess I told one of your Commissioners that once, I don't know.
- Q: How do you know it was born on the 15th. day of February?
- A: Well simply because I put it down.
- Q: In a book? A: Yes sir.
- Q: What kind of a book? A: Bible.
- Q: Did you put it down the same day the child was born?
- A: The next morning.
- Q: When did the child die? A: It died sometime about the last week in March. I think.
- Q: Don't you know the date? A: Possible the 22nd. that is to the best of my recollection.
- Q: Did you take your wife and the midwife to the Notary Public to make out an affidavit relative to the birth of this child? A: I did.
- Q: How long had that child been dead at the time you took those people to make out that affidavit? A: I don't know sir, Lets see--- oh it had been dead for sometime, I don't remember just how long, how many days or anything of that kind.
- Q: What is your best recollection Rufus, about that.

- A: Oh, sometime, I guess, very close to two months I guess it was.
- Q: Now very shortly after that child was born you heard that a law had been passed authorizing children of that kind to be enrolled, didn't you?
- A: I think I heard something like that.
- Q: You heard that before the child died, didn't you?
- A: No sir, I did not.
- Q: Didn't know anything about that until after the child had been dead? A: Certainly not.
- Q: About how long had it been dead before you heard that it could be enrolled? A: Well it had been dead pretty nearly as long as it took me to go before this Notary Public, I only heard of it a few days before I went to him.
- Q: It was only a few days before you had gone to the Notary Public's before you heard that this child could be enrolled?
- A: Yes sir, perhaps two weeks.
- Q: You take a newspaper don't you Rufus? A: No sir, I don't.
- Q: How did you find out that this child could be enrolled?
- A: They sent a notice.
- Q: To your wife? A: Yes sir. The first I saw was out at Gibson, in the post-office.
- Q: In the post-office? A: No sir, at George Shannons.
- Q: A few days after that you went and made application?
- A: It wasn't very long, probably two weeks.
- Q: Do you go to Mr. Shannons store very frequently Rufus?
- A: Yes I go there sometimes.
- Q: Every week? A: Yes sir.
- Q: Sometimes twice a week? A: Sometimes more than that.
- Q: One week when you went there you saw that notice?
- A: Yes I saw it when it first came out, I guess I saw it the first day it came out, I guess I did but I am not certain.
- Q: Who attended the funeral of this child?
- A: Why there wasn't any funeral.
- Q: Somebody helped you bury it didn't they? A: Yes sir.
- Q: Give us the names of some people who helped bury that child?
- A: Do you want the names of the relatives or just others?
- A: I would rather have the names of people who are not relatives.
- A: J. H. Ballard, he was with me.
- Q: Who else? A: Jourden Smith.
- Q: Anybody else? A: If I make no mistake I think A. P. Prow was there, but I think he was.
- Q: You never bought a coffin for the child did you?
- A: No sir, I did not.
- Q: Did you buy anything with which to bury it in?
- A: Not more than the clothes I had made up, I had lots of clothes there for it.
- Q: That was before it was born? A: Yes and afterwards too.
- Q: But you didn't buy any especially to bury the child in?
- A: No sir, I don't know whether it was buried in any of the little dresses or not, I wouldn't say.
- Q: You didn't bring that bible with you did you? A: No sir.
- Q: Did you put down the date of the death of this child in the bible? A: I don't know whether I did or not.
- Q: If your wife testifies that this child was born on the 17th day of February and you testify it was born on the 15th day of February, which one is correct Rufus?
- A: The 15th day of February is correct.

Witness is advised to return here at an early date with the bible in which he made the record regard Busie Smiles.

- Q: You state positively here the date of the month on which this child was born, do you? A: Yes sir.
- Q: And can't state the day of the week? A: No sir, I can't state the day of the week.

Maggie Wynn being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Maggie Wynn.
- Q: How old are you? A: Well I don't know my age exactly.
- Q: You know you are at least 25 or 30 don't you? A: I was born in the time of the war I know.
- Q: What is the name of your post-office? A: Haynes, I. T.
- Q: Are you a citizen of the Creek Nation? A: No sir.
- Q: A state woman? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Do you know Rufus Smiles and his wife Lissie Smiles?
- A: Yes sir.
- Q: How long have you known them? A: I have known Lissie between 8 and 9 years, we lived on her mother's farm two years.
- Q: How close do you live to them now?
- A: It is between 4 and 5 miles.
- Q: How close did you live to them last Spring?
- A: Same distance.
- Q: Did they have a child born sometime last Spring?
- A: Yes on February 15.
- Q: Were you present when the child was born?
- A: Yes.
- Q: How do you happen to remember that the child was born on the 15th of February? A: I generally know people and very often keep a record of it.
- Q: Did you make a record of it? A: Yes sir.
- Q: What did you make the record in?
- A: I have it down in a book.
- Q: Have you that book with you?
- A: No, the reason I can't get it is I was at the church when the child was born.
- Q: Do you know where the book is?
- A: No.
- Q: The book is in the house?
- A: Yes.

- Q: Were you present when it died? A: No sir, I don't know anything about it, I just heard of it.
- Q: Do you know about when it died? A: No sir, I haven't heard.
- Q: When did you last look at your record to see what was the date of this child's birth? A: I look at it very often because I am often nursing different kinds of women and have something to put down.
- Q: When was the last time you looked at that record to see when this child Susie Smiles was born?
- A: I ain't had the book in my hand since week before last.
- Q: Week before last when you looked at that book, did you look at it to see when Susie Smiles was born? A: Yes sir.
- Q: At the time you looked at the book, two weeks ago did you look at it for the purpose of seeing what date Susie Smiles was born on? A: No sir, I was just looking over it, just putting down some names.
- Q: Now you have a good many names on that book ain't you?
- A: Yes sir.
- Q: You don't pretend to keep these dates in your mind do you?
- A: No sir, I have to work out and then when anyone calls me I just let my work go and lay it down and get out, and I try to put it down you know.
- Q: How many names of children have you on that book?
- A: I suppose there is about 20 to 25.
- Q: Well if it wasn't for that book you wouldn't remember the date of the birth of this child would you?
- A: Yes I could remember it for a while but along about 2 or 3 years probably I would forget it.
- Q: Do you think you could probably remember it as long as 8 months? A: Yes sir, but I have got it down in my book.
- Q: You are satisfied that your book shows that it was born on the 15th. day of February, 1906? A: Yes sir.
- Q: What did these people pay you for waiting on them?
- A: Rufus made me a present of Three dollars.
- Q: Did he pay you in money or check? A: Paid me in money.
- Q: You have that book at home have you? A: Yes sir.
- Q: Where do you live? A: On Wiley Sockey's farm.
- Q: How far from Gibson Station? A: I am just guessing, I suppose it is between 6 and 7 miles.
- Q: What is your closest post-office? A: Haynes, I. T.
- Q: How far do you live from Haynes? A: About a mile may be a little further.
- Q: What direction from your house? A: Haynes is South of my house.
- Q: Then you live North of Haynes? A: Yes sir.
- Q: You can't remember what day of the week this child was born on? A: No sir.
- Q: How long were you with Mrs. Smiles after the child was born?
- A: They came after me in the night and it was somewhere between 8 and 9 o'clock as close as I can come at the time, and I stayed there until a little after 4 o'clock that morning and then coming back home.
- Q: Did you go back again? A: No sir, when it is that far from home I hardly ever go back any more unless they send for me, it is too inconvenient.

Questions by Commissioner:

- Q: Did you ever see that child after you left there?
A: No sir, I never did go back there.
Q: Do you know as a matter of fact about how long it lived?
A: No sir, I don't.
Q: Never heard? A: No sir. A little child like that they always speak so slight about it.
Q: How long after you went to wait on this woman before you wrote down in your book about its birth?
A: The next day.
Q: As soon as you got home? A: Yes sir.
Q: You are sure of that? A: Yes sir, I am sure of that.
Q: Do you know that that was in February? A: Yes sir.
Q: How do you know that? A: Because I just know it.
Q: Well that ain't any reason at all.
Q: Could you swear positively you went there in the month of February, and when you come home it was February and March hadn't come in yet? A: Yes sir.
Q: Could you swear that positively? No chance that you could be mistaken in that, that you would try to excuse yourself afterwards? A: No sir, there ain't no mistake in that at all.

Lizzie Smiles, recalled, testified as follows:

Questions by Commissioner:

- Q: Of those two dates the 15th. and the 17th. of February, which is the correct one? A: The 15th. day of February. I said, I made a mistake in the birth on the day we made the application.
Q: How did you come to say the 17th. this morning?
Q: Because I think that is the date we made the application.
Q: Did you make the application the same month the child was born? A: No sir.
Q: At the time we asked you that, we asked you one question alone; on which date was this child born and you said February 17th. Nothing whatever had been said about the date of the application at that time.
A: I beg your pardon on that, you did.
Q: Didn't somebody tell you you had to stick to that date and for that reason you swear it was in February.
A: No sir, nobody told me so.

This is all the testimony taken in said cause on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before
me this 26 day of September, 1906.

Edward M. Barker
Notary Public

H.B.F. 168

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskego, Indian Territory, October 3, 1903.

In the matter of the application for the enrollment of Susie Smiles, deceased, as a Creek freedman.

APPEARANCE:

JOHN C. LINER appears for M. L. Mott, attorney for the Creek Nation.

RUFE SMILES, being first duly sworn by Henry C. Haine, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

Q What is your name? A Rufus Smiles.
Q Have you testified before in this case? A Yes sir.

Witness presents a bible, in the back of which are some blank pages with entries written in ink as follows:

Maud McGraw, born Aug. 10th, 1899.

One duly miscarried December 22th, 1903.

Susie Smiles born Feb. 15, 96,
died Mar 22nd, 96.

In the line above Susie Smiles, in the date of the month, some figures have been written over others, apparently 15th over 2nd.

Q You wrote this entry? A Yes sir.
Q When did you write this entry about the birth of Susie? A I think I wrote it the morning after the birth.
Q When did you write this entry? A I wrote it the day I wrote the entry about the birth of Susie.
Q Did you write this entry after you wrote the entry about the birth of Susie? A Yes sir.
Q Did you write this entry after you wrote the entry about the birth of Susie? A Yes sir.

Q Did you write this entry after you wrote the entry about the birth of Susie? A Yes sir.
Q Did you write this entry after you wrote the entry about the birth of Susie? A Yes sir.
Q Did you write this entry after you wrote the entry about the birth of Susie? A Yes sir.

Susie Smiles---

- A Why I couldn't say just when I did write that; it was sometime shortly after the death. A
- Q How long after? A I don't know sir.
- Q Can't you tell the Commission now what the day of the week this child was born on? A No sir; I don't know the day of the week.
- Q Yes? A I can not. After I was here I went back home, I looked it up; I didn't know at the time I was here.
- Q Know it now? A Why it was Thursday.
- Q Does this line "died Mar 22nd, 06" refer to the death of Susie? A Yes sir.

BY MR. LIEBER:

- Q Is that your own handwriting in this bible? A Yes sir.
- Q How did you happen to put that date of birth as the 22nd? A I told you just a few minutes ago; I said I just made a mistake in the date of the month; I wrote that rather than to rub it out; I could have written it in another place; wasn't looking for anything of this kind.
- Q Now, isn't it a fact that you made both those entries, that entry to the birth and entry to the death of this child at one and the same time? A No sir, that is not a fact.
- Q Well before you went to make that entry about the child's birth, didn't you look at the calendar to see when it was born? A No sir; I did not.
- Q How long after it was born was it before you made this entry of the birth? A Next morning; I don't know what time in the morning though.
- Q You never looked at the calendar to see when it was born, what the date of the month was? A I didn't look at the calendar when I wrote it.
- Q Did you look at the calendar just before you wrote it? A I did not; I detected my error afterward.
- Q Did you look at the calendar at any time from the time the child was born until you made that entry of its birth in this bible? A I don't know as I did at all.
- Q Well then how did you know that the child was born on February 15th? A I told you I didn't know as I noticed it until I detected my error.
- Q How did you happen to detect the error? A Detected the error from the 15th to the 22nd.
- Q Yes? A Why I don't know, but then I was thinking about the date of the child's birth, something about it, I couldn't remember that far back, child's birth, not thinking anything about it.
- Q Now according to what you stated to the Commissioner a while ago, you made that entry there February 22nd? A I did.
- Q You immediately ascertained that you had made a mistake, then changed it to the 15th; is that right? A I think that I did.

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- Q Is that a fact, did you detect it immediately after you made the error? A I did--
- Q Then explain to the Commissioner how you detected the error? A I dont know just how I come to detect it, was owing to the birth of the child.
- Q You hadnt looked at any calendar? A I dont know as I had, I dont know whether I had looked at the calendar; I wouldnt say, I dont want to misrepresent.

WITNESS EXCUSED.

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on October 3, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

Cora Moore

Subscribed and sworn to before me October 4, 1906.

Walter W. Chappell

Notary Public.

N.B.V. 185.
En. 1090.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, October 30, 1904.

In the matter of the application for the enrollment of
SUSIE SMILES as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,
Attorney for the Creek Nation.

A. P. PRYOR, being first duly sworn by Henry G. Hains,
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A A. P. Pryor.
Q What is your age? A 46.
Q What is your postoffice address? A Gibson Station.

BY MR. LIEBER:

- Q Do you know Rufus Smiles and Lizzie Smiles, his wife? A Yes sir.
Q How long have you known them? A Ever since I been over in
this Creek Nation.
Q How close have you lived to them during this year? A Some
place about a mile and a quarter.
Q Are you well acquainted with them? A Yes sir.
Q On friendly terms with them? A Yes sir.
Q Did you ever have any business relations with Rufus? A No sir.
Q Did you ever rent any land from him? A Yes sir.
Q Did you have any land rented from him this year? A Yes sir,
never had any land rented from him before this year; this
year is the first year I rented land from him.
Q Do you know when you rented that land from Rufus, Pryor?
A About that time.
Q When? A Before Christmas.
Q Before last Christmas? A Yes sir, before Christmas.
Q Do you go to Rufus's house (remember?) A Yes.
Q Because when I go to Gibson Station I have to go by his house,
can speak to him off the road.

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- Q How often do you go to Gibson Station? A Sometimes once and sometimes twice; not as I and him are any particular friends at all.
- Q Did you see his wife frequently during last February and March? A Yes sir.
- Q At that time did she have the appearance of a woman who was about to give birth to a child? A Very slightly.
- Q She did appear that way? A Yes sir.
- Q Do you know whether she did give birth to a child any time this last spring? A I dont know.
- Q Did you ever hear of it? A No sir.
- Q Didnt Rufus ever tell you that his wife had given birth to a child last spring? A No sir, I didnt know anything about it until he asked me could I make a box for his baby.
- Q He asked you to make a box for his baby to bury it in? A Yes sir.
- Q Did you make the box, Pryor? A Yes sir.
- Q When was it that you made it? A I couldnt tell you the date, I think it was long in May, sometime long in then.
- Q What makes you think, Pryor, that it was long in May? A Because that was just about that time in the year; I know I had spent the biggest part of the time at home breaking land at home, because I planted cotton long about the 18th and 19th of April at home; I planted corn the first of April and we throwed it 'way long at the last part of April before I got up on the prairie by his place.
- Q That is how you happen to fix the time as being in May when you made the box to bury his child? A I had some little middle corn and I had wanted to put in this early corn and I had just made it-- last land I broke according to my belief about it; I could pass my opinion about it; my opinion would be the other way.
- Q Ever see that child, Pryor? A Never seen it at all.
- Q Were you at his house along about the time you went up to his place? A I goes there backwards and forwards to get water at his well.
- Q Did you ever see that child there, Pryor, during that time? A No sir.
- Q Before Rufus came to you to get you to make that box he didnt ever intimate it to you that his wife had given birth to a child, did he? A No sir.
- Q Did he tell you how old the child was when it died? A No sir.
- Q Didnt you have any talk at all, Pryor, about when the child was born, anything when he came to get you to make that box? A He asked me could I make a box for his baby; I told him guess I could; I asked him if he had lost his baby; he said "yes".
- Q Where did you make the box? A In the back part of his yard.
- Q Well, Pryor, you certainly asked him what size the baby was didnt you? A No.
- Q How did you make the box if you didnt know how big the baby was? A He just brought wood out there and I made it, asked me to make it and I made it.

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- Q Now Pryor didnt you think that that child that you made the box for was born dead? A No sir, I dont know, couldnt tell you whether it was born dead or alive.
- Q Wasnt that the impression that they gave to you when Rufus came there and asked you to make that box? A No sir, no such impression was made to me just as true as you are a white man.
- Q Who was there at the house when you made that box? A I think his mother was.
- Q Who else? A I cant say now who was there; I think his mother was there; she stayed there with him.
- Q Was old lady Winn there? A No sir, didnt see her; dont know her when I see her.
- Q And you never went in the house to see that corpse? A No sir, I didnt.
- Q Where was Lizzie? A Guess she was there in the house.
- Q Did she come out where you were making that box? A No sir.
- Q Isnt it a fact that she was sick when you made that box? A I am going to tell you the truth, I would have-- it is a continual scrap between me and them niggers all the time-- if I know anything was correct I would up and tell you in a minute, just like I told them yesterday evening.
- Q How long had you been working on Rufus's place when he came there to get you to make that box? A Three or four days.
- Q And you had been going back and forth to the house to get water? A Yes sir.
- Q And never heard about their having a child there? A No sir, I didnt.
- Q Well when you first went over there, Pryor, and began working on that place and went to the house to get water, did you see Lizzie? A No sir, I didnt.
- Q You didnt see her at all the time when you was over there working? A I see her before I went over there to work.
- Q I mean when you went to work, did you see Lizzie from the time you went to work until Rufus came and asked you to make that box? A No sir, I didnt.
- Q You went there for water every day when you was working? A Yes sir, and when I didnt hire, I went there to get water, I wont say I went there once or twice every day-- when I went there went to get water; when I went I didnt see Lizzie.
- Q Do you know who buried the child? A No sir.
- Q Pryor, if they had had a child born there before you went there to work there in the field, dont you think you would have heard something about it, and was living when you started to work there, dont you think you would? A I dont know, chances would have been as good on one side as the other.
- Q you were friendly? A Yes sir.
- Q Neighborly? A Yes sir, like I am to you, friendly as can be.
- Q You have known them lots longer than you have me, havent you? A Yes sir.
- Q As friends, you generally knew when there was an increase in the family of one of your friends? A I wont say direct

Samie Smiles

friend of mine; I am just acquainted with him that is all, live
far apart.
Q. Does your wife ever go over there to visit? A. No sir,
very little.

WITNESS EXCUSED

Cora Moore, being first duly sworn, states that as
stenographer to the Commissioner to the Five Civilized Tribes
she reported the proceedings had in the above entitled cause
on October 30, 1906, and that the above and foregoing is
a true and correct transcript of her stenographic notes taken in
said cause on said date.

Cora Moore

Subscribed and sworn to before me November 6, 1906.

H. H. H.

Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY,
NOVEMBER 12, 1906.

En. 1090
E.B.F. 166.

In the matter of the application for the enrollment of
Susie Smiles, as a Creek Freedman.

APPEARANCES: JOHN G. LIEBER, acting for M. L. Nett,
attorney for Creek Nation.

Will Ward, being first duly sworn by Henry G. Hains, a
Notary Public, testified as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Will Ward.
Q: How old are you? A: I am 37 years old.
Q: What is your post-office address? A: Gibson Station.
Q: Do you know Lissie Smiles? A: Yes sir.
Q: What was her name before it was Smiles? A: Perryman.
Q: What is the name of her husband? A: Rufus Smiles.
Q: Do you know him too? A: Yes sir.
Q: How long have you known them? A: I have known them
about 7 years. A little better than 7 years.

Questions by John G. Lieber, acting attorney for the
Creek Nation.

- Q: How close do you live to them Mr. Ward? A: About a
quarter of a mile.
Q: How long have you lived that close to them?
A: I lived there that close to them three years.
I have been there 4 years and they have been there three.
Q: What relation if any is Lissie Smiles to you?
A: She is my step-daughter.
Q: Your wife's daughter, is she? A: Yes sir.
Q: Are you on friendly terms with them Mr. Ward?
A: Very friendly.
Q: Do you visit at their house frequently? A: Not frequent-
ly.
Q: About how often are you there on an average?
A: Well sometimes, it is going to circumstances, if I have
business matters and every two or three weeks, and if not
so, I am not there so often.
Q: Does your wife visit them very frequently? A: No sir.
Q: Why don't she? A: My wife has been sick for two years.

- Q: She is an invalid is she? A: Yes sir, she might be what you might term an invalid, she is not able to go about very much.
- Q: Is she on friendly terms with Lizzie and her husband?
- A: Seemingly.
- Q: Lizzie, I suppose visits at her house occasionally?
- A: Yes sir, she visits there occasionally.
- Q: Comes there to see her mother? A: Yes sir.
- Q: Do you know of Lizzie Smiles giving birth to a child on or about the 13th. day of last February?
- A: No sir, I can't say that I know.
- Q: Did you ever hear your wife say that Lizzie had given birth to a child there last Spring? A: Yes, I heard my wife say something relative to it.
- Q: When did you hear her say that? A: I don't remember just now but it seems to me it was last Spring or last winter, I don't know which.
- Q: What did your wife say about it Mr. Wade? A: Why I don't remember now just what she did say about it.
- Q: Well tell the Commissioner as near as you can just what she did say, that is what impression it left on your mind, the remark she made to you about this child?
- A: She was talking there about having a child but directly about what it was, I couldn't say.
- Q: Did your wife ever see the child? A: I never heard her say that she saw it.
- Q: Do you know whether your wife visited down to her daughters house, Lizzie's house any time during last February or March? A: No sir.
- Q: Do you mean that you don't know or that she didn't visit there? A: I don't know that she did, I couldn't say that she did.
- Q: Did you ever hear your wife say that she saw the child?
- A: No sir.
- Q: Did either Lizzie or her husband Rufus tell you any time during last February or March that they had a child over there to their house? A: I don't remember of them telling me.
- Q: Did Lizzie visit your wife last Spring? That is, did she come up there to the house to see her? A: I seems like she was there occasionally, but I don't know any definite time of her being there but it seems as if she was there between them times.
- Q: Did Lizzie ever bring a child up there to your house any time during last February or March? A: If she did, I never saw it.
- Q: Well you have seen her over there to your house about that time, haven't you? A: I couldn't say it was definitely that time but I saw her there occasionally.
- Q: You never saw her have a young baby there, did you?
- A: No sir.
- Q: Now, Mr. Ward if she had had a child last February and it lived about a month, don't you think you would have known something about it? A: Well I suppose so.
- Q: It looks like you ought to have known something about it, don't it? A: Yes sir.
- Q: If she had had a child to die there along in March, last March, a child that was 2 or 3 weeks old, don't you think you would have known something about it?
- A: It seems reasonable.

- Q: You mean it seems reasonable that you would, Mr. Ward?
A: Yes sir.
Q: You know nothing about a child of theirs having died there during last February or March, do you? A: No sir.
Q: Did you ever hear your wife say anything about their having a child to die there during last February or March?
A: She was speaking of a child but her direct words, I couldn't tell you what it was.
Q: Well from the conversation you had with your wife, did it leave the impression on your mind that that child lived or was born dead or how about it? A: Well it don't seem from what she said, from what she heard about it, it seems as if they had a child there at that time. It wasn't dead, it wasn't supposed to be dead.
Q: You never saw it yourself? A: No sir.

Questions by Commissioner:

- Q: Don't you recollect of being at their house the first part of this year, January, February, March or April?
A: Let me see, yes I was there on an occasion to see about a plow, but I don't know exactly what time it was.
Q: Don't you remember what month it was? A: It was a cultivator I went to see about, it must have been in May or June.
Q: Didn't you see any child there then? A: No sir, I didn't see no baby.
Q: Did you hear anything about one being born or dying while you were there on that business about the plow? A: No sir.
Q: Never heard anything about it then? A: No sir.

This is all the evidence given in said cause, on said date.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said cause on said date.

Julia C. Laval

Subscribed and sworn to before
me this 14 day of November, 1906.

Edmund Merrick
Notary Public.

I am of opinion that
the evidence is sufficient
to warrant a ~~presumption~~
of fraud, but agree
that under the evidence
this decision is
correct. J. J.

Mr. Bixby: FEB 12 1907

Despite Mr.
Trone's Note on
this Case I think
decision is OK
A. M. J.

I think this child
was still born and
that birth occurred in
May. It is apparent from
record that all the witnesses
have lied. Poyers testimony
that he made coffin in
May but did not see the
body and did not know
whether it was born dead
or alive is certainly
suspicious. I consider little
evidence confirmatory of
fraud and think that
a man and should be
prepared denying this
affirmant.

L. B. D.

Crew Enrollment #7090.
(NRF #165)

Surco Smiles.

NRF #165

En. 1090

JLDe.
CM

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Susie Smiles, deceased, as a Creek freedman.

DECISION

The record in this case shows that on May 18, 1906, application was made, in affidavit form, supplemented on September 24, 1906, October 3, 1906, October 30, 1906 and November 13, 1906 by oral testimony, for the enrollment of Susie Smiles, deceased, as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906.

From a preponderance of the evidence introduced in this cause it appears that Susie Smiles was born February 15, 1906, and died March 22, 1906, and was the child of Rufus Smiles, a non-citizen, and Lizzie Smiles, whose name appears opposite No. 3695 on the approved roll of Creek freedmen.

It is, therefore, ordered and adjudged that the said Susie Smiles, deceased, is entitled to enrollment as a Creek freedman in accordance with the provisions of the Act of Congress approved April 26, 1906 (34 Stats. L. 137), and the application for her enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 20 1907

165

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906

Clusie Samiles.....

as a citizen of

Creek

~~CHEROKEE~~

Nation.

Approved..... 190...

Commissioner.

NEW BORN

ACT OF CONGRESS APPROVED APRIL 26, 1906

RECEIVED

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1900.

IN AN APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Lusie Smiles born on the 15 day of February 1906
(Here insert name of child)
Name of Father: Rufus Smiles a citizen of the United States
Name of Mother: Lizzie Smiles a citizen of the Creek Nation
Tribal enrollment of father: _____ Tribal enrollment of mother: Medman
Postoffice: Gibson Sta.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

I, Lizzie Smiles, on oath state that I am 23
years of age and a citizen by Adoption of the Creek Nation;
that I am the lawful wife of Rufus Smiles, who is a citizen, by
_____ of the United States Nation; that a Female child was
(Male or Female)
born to me on 15 day of February 1906; that said child has been named
Lusie Smiles and was living March 4, 1906.

Lizzie Smiles

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this

17th day of

May 1906

Lewis E. Haller

Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

Maggie Brown midwife
attended on Mrs. Lizzie Smiles wife of Rufus Smiles
on the 15 day of February 1906 that there was born to her on said date a Female
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named Lusie Smiles

Maggie Brown

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this

17th day of

May 1906

Lewis E. Haller

Notary Public

NOTE IN REPLY TO THE FOLLOWING:

REF 185.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 20, 1906.

Lizzie Smiles,

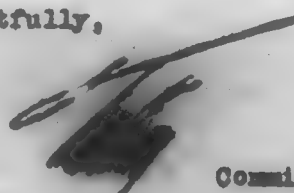
c/o Rufus Smiles,

Gibson Station, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Susie Smiles, as a Creek Freedman, you are advised that this office cannot identify you on its rolls of Creek Freedmen, and you are requested to state your maiden name, the names of your parents, the Creek Indian town to which you belong and your roll number as same appears on your deeds or allotment certificates to land in the Creek Nation.

Respectfully,



Commissioner.

WHT 166.

Muskogee, Indian Territory, March 18, 1907.

Lissie Smiles,

Gibson Station, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, approved the enrollment of your minor child, Susie Smiles, as a Creek freedman, and that the name of said child appears upon the roll of new born Creek freedmen, enrolled under the act of Congress approved April 26, 1906, as number 311.

This child is now entitled to allotment, and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1091

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE INDIAN TERRITORY.
SEPTEMBER 22, 1906.

N.B.F. 174.

In the matter of the application for the enrollment of
Richard Mayberry as a Creek Freedman.

APPEARANCES: John G. Lieber acting for M. L. Mott, attorney
for the Creek Nation.

Cora Mayberry being first duly sworn by Henry G. Hains,
a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Cora Hays, Mayberry now.
Q: How old are you? A: I will be 30 this November.
Q: What is your post-office address? A: Gatocha.
Q: What is the name of your father? A: Charles Hays.
Q: What is the name of your mother? A: Rachel Hays.
Q: Name some of your brothers and sisters?
A: Nellie Neely, Eddie Dewitt, Fannie, Mattie, Clyde and
Gracie Hays.

Witness is identified as Cora Hays opposite Creek Freedman
Roll Number 2162.

- Q: What is the name of the child you have in your arms?
A: Richard Mayberry.
Q: What is the child's name? A: Anthony Mayberry.
Q: Is he a citizen of any of the Five Tribes? A: No sir.
Q: A state man? A: Yes sir.
Q: How old is this child? A: He is 6 months old.
Q: Is he more than 6 or less than 6?
A: It is more than six.
Q: How much more? A: I don't know sir.
Q: You don't know? A: I don't know how much older but he is
not quite 7 months old.
Q: Can you tell us how much over 6 months he is?
A: I don't know what day of the month this is.
Q: What day of the week was Richard born?
A: Friday.
Q: Are you sure of that? A: Yes sir.
Q: What time of day was he born? A: In the morning.
Q: I asked you how he was born? A: I don't know.
Q: Was it born in the hospital? A: No sir.
Q: After breakfast? A: Yes sir. I think it was about
between 8 and 9 o'clock.

- Q: Did you have a doctor when this child was born? A: No sir.
Q: Did you have a doctor any time before this child was born?
A: No sir.
Q: Did you have a doctor shortly after the birth of the child?
A: No sir.
Q: What was the name of the midwife you had? A: Louisa Sells.
Q: Was anybody else present besides this midwife, Louisa Sells?
A: Nobody but my husband.
Q: Did you or anybody for you make any record of the birth of this child. Write it down on a piece of paper or book?
A: No sir, I didn't write it down.
Q: What day was this child born on? A: On the 2nd.
Q: Second of what? A: March.
Q: How do you know it was? A: I know it was the Second.
Q: Have you anything to help you remember it was on that date?
A: Do you mean by putting it down on anything?
Q: I asked you that and you said you did not.
A: No sir, I didn't.
Q: You have nothing to help you remember it at all? A: No sir.
Q: How old was this child when you went to make this affidavit for it? A: I don't know sir when I went to make out that affidavit.
Q: You know when you went there, don't you? A: Yes sir.
Q: Well how old was the child at that time? A: I don't know sir.
Q: Was it a week old? A: It was over a week old.
Q: Was it a month old? A: It was over a month old it must have been between two and three months old, I don't know.

Questions by J. G. Lieber acting attorney for Creek Nation.

- Q: How long were you sick in bed after this child was born?
A: About 9 days.
Q: Never had any doctor with you during that time? A: No sir.
Q: Did you ever have any other children besides this one?
A: I have two others.
Q: Are they enrolled as citizens of the Creek Nation?
A: Yes sir.
Q: How old is the child that is next to this one?
A: It is 2 years old. He will be 2 years and one month old the 26th. of this month.
Q: What is its name? A: Ellis.
Q: How old was he when this child was born? A: I think he was a year and 7 months old.
Q: When was he born? A: Ellis was born the 26th. day of August.
Q: What year? A: 1904.
Q: 26th. day of August, 1904.
Q: Have you got down a record of Ellis's birth any place?
A: No sir.
Q: Just keep these things in your head do you? A: Yes sir.
Q: Did you go before a Notary Public and make this affidavit that is filed in this case? A: Yes sir.
Q: We didn't come to your house, did he?
A: We sir, I went before him.
Q: Who went with you? A: Elise Sells and my husband.
Q: You are sure this child was born on Friday? A: Yes sir.
Q: Who is your closest neighbor up there where you live?
A: My closest neighbor? Why Charley Hoskins.

- Q: How far does he live from you? A: I don't know sir, about 100 yards I reckon.
- Q: Do you live in Catoosa? A: No sir, I live two and a half miles from Catoosa.
- Q: What direction? A: South I think.
- Q: Were you living at that same place last spring when this child was born? A: Yes sir.
- Q: Was this fellow Hoskins living there at that time?
- A: yes sir.
- Q: What other neighbors have you around there close?
- A: Louisa Cells and Wiley Crather.
- Q: Are any of these people related to you? A: Louisa Cells is my step-grand-mother, none of the rest is related to me.
- Q: What was the condition of crops at the time this child was born? A: We didn't have anything planted.
- Q: What kind of a day was it when it was born?
- A: I don't know sir.
- Q: Don't know? A: No sir.
- Q: Was it raining or snowing? A: I don't know whether it was raining or snowing.
- Q: Don't know anything about that? A: No sir.
- Q: Now if it had been raining or snowing, don't you think you would have remembered it? A: No sir, I don't remember whether it was raining or snowing or whether it was cold.
- Q: Now if you don't remember these things, how do you remember that the child was born on the 2nd. day of March?
- A: Because I remember other things, but I don't remember whether it was snowing or raining or what, because I didn't pay that much attention to it.
- Q: Never had any Doctor with you after the child was born?
- A: No sir, I never had any Doctor.
- Q: Have you ever had a Doctor with a child? A: No sir.
- Q: Do you remember when you husband came down here and filed for your child Ellis? A: Yes, I remember when he came but I don't know what day he filed on.
- Q: How long was he gone from home at that time?
- A: 8 or 10 days I think.
- Q: How long after he got back was it before this child was born? A: I don't know sir, about 2 or 3 days I reckon.
- Q: Don't you remember anything about that? A: No sir, but he wasn't gone long.
- Q: Do you know what day he got back?
- A: What day of the week?
- Q: Yes. A: On Monday.
- Q: He got back on Monday? A: Yes sir.
- Q: Well then how long was it before the child was born?
- A: The baby was born---I don't know sir, it was born on Friday but I don't know ~~how~~ how many days after he got back.
- Q: Was it born the same week or the week afterwards or how about that? A: I don't know sir.
- Q: You don't remember anything about that? A: No sir.

ANTHONY MAYBERRY, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:

- Q: What is your name? A: Anthony Mayberry.
Q: How old are you? A: 34 years old.
Q: What is your post-office address? A: Catoosa.
Q: Are you a citizen of any of the Five Tribes? A: No sir.
Q: State man are you? A: Yes sir.
Q: Are you the husband of Cora Mayberry? A: Yes sir.
Q: How old is this child she has here, Richard.
A: I don't know just exactly but he is about 6 months old.
Q: Is he 6 yet? A: I don't know he was born the 2nd. day of March.
Q: How do you know that if you don't know how old he is?
A: I don't know I never counted it up, but I know that he was born then.
Q: Where did you get the information that he was born the 2nd. day of March? A: I can tell from looking at the dates.
Q: Did you make any record of this anywhere, write it down anywhere about this child? A: No sir.
Q: Don't you usually write down the dates of your children's births? A: No sir.
Q: Your father had all of his written down didn't he?
A: Yes sir, he might.
Q: Did your wife make any record of this?
A: No sir, not as I know of.
Q: Why didn't you? A: She might have, I am no hand to write
Q: You knew it was a close date, didn't you? A: Well I don't know what you mean by a close date, I don't understand you.
Q: You have never written that down any place nor has anyone that you know ever written it down? A: No sir.
Q: Did you ever have a Doctor when your wife was sick?
A: No sir.
Q: How long was she sick when the child was born?
A: She was sick just a little while.
Q: A day or two days or just an hour or two?
A: I don't know, I couldn't say, more than 2 hours maybe.
I don't know just how many.
Q: Who was present when this child was born? A: Louisa Cells and myself.
Q: Anybody else? A: No sir.
Q: Born right in your house wasn't it? A: Yes sir.
Q: What time of the day was it born? A: It was early in the morning.
Q: Before dinner? A: Yes sir.
Q: On what day of the week was it born? A: I think it was on Friday.
Q: What makes you think that? A: Well I just thought it was I know that is right.
Q: How did you know it, you didn't write it down anywhere, don't have any particular reason for remembering it and you state you don't even know it was a close date and here more than 6 months afterwards you can tell the exact day of the week and the exact day of the month, how does that come?
A: Well I remember the next day Saturday I hauled wood and went to town on Sunday.
Q: Don't you do that other times besides the second of March?
A: I can remember that from my wife being sick.

Questions by J. G. Lieber, acting attorney for Creek Nation.

- A: Anthony you came down here and filed for your child Ellis sometime last Spring didn't you? A: Yes sir.
- Q: Do you remember when it was you came down here to file?
- A: Not just exactly.
- Q: Of course you remember of coming? A: Oh yes.
- Q: How long were you away from home on that trip?
- A: I was away about 3 days I reckon.
- Q: Where did you go to after you left Muskogee, you filed here in Muskogee, didn't you? A: Yes sir.
- Q: Did you leave Muskogee the same day you filed for Ellis?
- A: No, I don't believe I did, I don't think I left the same day.
- Q: Well how long did you stay here? A: I believe I left the next day.
- Q: What road did you go over? A: Went to Broken Arrow over the M. K. & O.
- Q: How long did you stay in Broken Arrow?
- A: I didn't stay there any time.
- Q: How long was it ten minutes or ten hours or ten days?
- A: I went out that evening, I know.
- Q: Went out home? A: Yes sir.
- Q: Then you got back home the second day after you filed?
- A: Yes sir.
- Q: And left Muskogee the day after you filed? A: Yes sir.
- Q: You got out home then the day after you filed, is that right? A: I ain't positive about that.--the day-after I filed?
- Q: You say you left Muskogee the day after you filed, the next morning? A: Yes, I think I did.
- Q: And went to Broken Arrow? A: Yes sir.
- Q: That same afternoon you went out home is that right?
- A: Yes sir.
- Q: Now do you know what time it was you got out home?
- A: No sir.
- Q: Don't you know what day of the week it was? A: I don't know just what day of the week it was.
- Q: How long was it after you got home from that trip before this child was born? A: It wasn't long.
- Q: Well how long? A: I don't know just how long it was.
- Q: Well was it born the same week or the next week or two weeks afterwards or what? A: It might have been something like a week as near as I can come at it, of course I don't know anything about keeping any records or anything like that.
- Q: Well now you know how many days it was after you got home before this child was born don't you? A: No sir, I do not, I couldn't tell you exactly.
- Q: Well you know it wasn't the day afterwards don't you?
- A: No sir, it wasn't a day because I was home a day or so when it was born. It wasn't over a week I don't think, it might not have been quite that long.
- Q: You don't know what day of the week it was when you got home?
- A: No sir.
- Q: What day of the week was it when you filed? A: I don't know.
- Q: You haven't got a very good memory have you? A: No sir.

You see I would know if I had filed when I first got down here but I fooled around down here a good little bit before I filed.

Q: But you did finally file didn't you?

A: Yes sir, I don't just exactly know when.

Q: You don't know what day it was when you got back home?

A: No sir, I don't know exactly what day it was.

I don't know whether----I may have filed on Saturday-- I ~~am~~ don't know just when the day was I got home, I must have gotten home on Monday if I filed on Saturday.

Q: How did you get home from Broken Arrow, did you walk out, go in a wagon or how?

A: Well I think I caught a wagon and rode part of the way and walked the other part.

Q: How far do you live from Broken Arrow?

A: About 7 miles.

Q: Don't know whether you caught a wagon or not do you?

A: Well I went and caught a wagon.

Q: Are you sure of that? A: Yes sir.

Q: Whom did you ride with? A: I don't know the man's name.

Q: Was he a white fellow or a black man?

A: White fellow, I know him but I just don't know his name.

Q: Do you know what he had been doing in town there that day?

A: No sir, I don't.

Q: Now is it not a fact you stayed all night at Broken Arrow and went home the next day? A: No sir.

Q: Well are you sure then you left town then the day after you filed? A: I am not sure but I think I did, I know I was over to my brother's once, but I might have went to my brother's and left the next day, but I might not have left the next day, if I filed it might have been the next day. I sure left the next day or the next day after that.

Q: Have you a brother living down here? A: Yes sir.

Q: You don't think you left the next day after you filed?

A: I don't believe I did, I know I went to my brother's but I don't know whether it was before or after I filed.

Q: Your recollection now is that you got home on Monday isn't it? A: I said it seems like I filed on Saturday but I ~~am~~ am not sure of that, but if I did I think I got home Monday or Tuesday.

Q: Now tell the Commissioner whether that child was born the same week you got home from that trip?

A: The same week I think it was. It was either the same week---yes, it was either bound to be the same week or the next week, but I think the same week.

Q: Now think a little and see if you can't be positive about that? A: I don't just know whether it was the same week or not, I don't just know exactly you see when I left here for certain, what day it was.

Q: Now you certainly ought to remember whether or not there was a Sunday came between the time you got home from that trip, and the time this child was born, you ought to remember that Anthony? A: Well I think there was, I don't just know.

Q: What makes you think that Anthony? A: Well I think there was.

Q: Tell the Commissioner what makes you think that there was a Sunday between the time you got home and when the child was born? A: The reason I think it was because I think it was the last of the week when I filed because I was hunting this land three or four days and then I come back and filed and then I didn't go right home, I don't know

- whether I went home the next day or the second day after I filed here.
- Q: Now you got home there on Monday or Tuesday didn't you
- A: Yes sir, I believe.
- Q: One or the other of those dates? A: Yes sir.
- Q: You are sure of that? A: Yes sir.
- Q: What I want to know wasn't there a Sunday between the time you got home and between the time this child was born?
- A: I don't remember about where there was or not.
- Q: What do you do of Sundays generally Anthony?
- A: You see up there a person can't hardly tell, sometimes he keeps plowing up there, you can't stop your work for Sundays.
- Q: Do you go to Church? A: Men always used to go but they don't up there.
- Q: What do you generally do on Sundays, what do you do, not what anybody else does.
- A: Sometimes I sit around all day and sometimes I ride around and sometime I am at home, but then sometimes I go to town. I believe it was on Sunday because----No, I think I went to town afterwards, I remember that, it wasn't Sunday.
- Q: What for? A: What makes me remember it is because I was up against it right then, I had nobody to help me and I know everything I did because I was by myself and when I went off, I had to hurry, that is how I could keep up with the times then.
- Q: Where was this Midwife, Louisa Cells? when you came to Muskogee to file? A: At home.
- Q: At her home? A: Yes sir.
- Q: How long had she been with your wife before that child was born? A: Not but a little while.
- Q: Do you mean two months or two hours or two days?
- A: No sir, it might have been 30 minutes or 20 minutes.
- Q: She came there the same day, did she?
- A: Yes sir, she came the same day, it might have been an hour.
- Q: Well do you think now there was a Sunday between the time you got home and between the time the baby was born?
- A: I can't remember whether there was or not, I can't remember anything more than one Sunday I went to town, I may have been down here on Sunday I was away from home quite a little bit, I don't know just when I left home or when I got back.
- Q: You know the child was born after you got back wasn't it?
- A: Yes sir.
- Q: But you don't seem to be able to tell how long you had been home before this child was born? A: I just couldn't say just how long and tell the truth.
- Q: Well if you can't tell the Commissioner that Anthony, how is it you remember the child was born on the 2nd. day of March? A: Because we always keep up with the dates you know when a child was born so we can know the ages, I would have had it down but I didn't have any bible to keep it in.
- Q: Did you have any Doctor there with your wife when that child was born? A: No sir.
- Q: Did you have any Doctor with her after the child was born?
- A: I don't think we did, I believe I got medicine, I don't know whether any Doctor came by there or not, but I got some medicine.
- Q: You say you got some medicine? A: Yes sir, I did get something.
- Q: From whom? A: Dr. Smith.
- Q: At Caloosa? A: Yes sir.

- Q: Did you pay him for the medicine or did he put it on the book? A: I paid him.
- Q: Did he write a prescription for you and then you went to the drug-store and got the medicine?
- A: No sir he didn't have to write any prescription, I don't think he did.
- Q: Well how did he give you the medicine, did he fix the medicine up himself or send you to the Drug-store?
- A: He stayed in the drug-store, I told him---I don't know just what kind he did get now, my wife I think told me what kind to get.
- Q: You say that fellows name is Dr. Smith? A: Yes sir.
- Q: And he runs a drug-store? A: Yes sir.
- Q: What drug-store does he run? A: I don't know.
- Q: Is it there at Catoosa? A: Yes sir.
- Q: Is he still there? A: Yes sir.
- Q: How much did you pay him for that medicine?
- A: It seems like I paid him 50 cents.
- Q: Now how long had the child been born when you went and got that medicine? A: I don't know sir, how long.
- Q: Your wife was still in bed wasn't she? A: 2 or 3 days.
- Q: Your wife was still in bed wasn't she? A: Yes sir.
- I guess so, I don't know, it was 2 or 3 days though.
- Q: It was that long before your wife got up?
- A: Yes sir that is as close as I could guess it.
- Q: She was in bed 9 days wasn't she? A: Yes sir, I think probably 9 days she was in bed.

Louisa Cellis being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:)

Questions by Commissioner:

- Q: What is your name? A: Louisa Cellis.
- Q: How old are you? A: About 50.
- Q: What is your post-office address? A: Catoosa.
- Q: Are you any kin to Core Mayberry? A: I got her grand-Pa.
- Q: Did you wait on her when her child was born? A: Yes sir.
- Q: What month was that in Aunty? A: I couldn't tell you.
- Q: How long ago was it? A: I don't know sir, how long ago?
- Q: How long were you in the house before it was born, after you got there, how long was it.
- A: It wasn't so long, it was born on Friday morning.
- Q: How do you know it was Aunty? A: I know it was, I was the middle wife.
- Q: Can you remember all the children you were the midwife for?
- A: No sir.
- Q: Wasn't you midwife for any other children than this one, this year? A: No sir, just that one.
- Q: About how long ago was it, this Friday you are talking about? A: I couldn't tell you.
- Q: How long did you stay there with that woman?

- A: I stayed there until they dressed the baby.
Q: Just that day? A: Yes sir, I went back and forwards.
Q: Was Anthony there in the room when the child was born, the father of the child? A: Yes sir, he was.
Q: Was anybody else there Louisa? A: No sir.
Q: What time of the day was the child born? A: It was after breakfast.
Q: Don't you know the month it was born in? A: No sir.
Q: Was it born this year? A: It was cold or cool yet, in the Spring.
Q: Are you any kin to Anthony Mayberry? A: No sir.
Q: You live right close to him, don't you? A: Yes sir.
Q: Did you hear of him coming in here this spring to file for his child Ellis? A: Yes sir.
Q: You remember when that was do you? A: Yes sir.
Q: Was this child born when he got back home?
A: Yes sir, I think it was.
Q: Now you know it wasn't don't you? A: It might have been.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: You don't know anything about months do you?
A: No sir, not until they tell me.
Q: Do you know how to read or write? A: No sir.
Q: Do you know one figure from another one? A: No sir.
Q: Well you signed and swore to an affidavit before a Notary Public about the birth of this child sometime ago didn't you? A: Yes sir.
Q: Well when you made that affidavit you didn't know what month that child was born in, did you? A: No sir.
Q: Do you know what day of the month it was born on?
A: No sir.
Q: You only remember that it was born on Friday?
A: Yes sir.
Q: Well then if you stated in that affidavit that the child was born in a certain month and on a certain day of the month, you stated something you didn't know yourself positively, didn't you? A: Yes sir.
Q: You can't tell the Commissioner now what month the child was born in can you? A: Its mother can tell you.
Q: You can't tell the commissioner what day of the month it was born on can you? A: No sir.
Q: Well do you remember whether the child was born in January, February, March, April or May of this year?
A: I don't know sir, but it was cold.
Q: What was the condition of crops at the time the child was born, what were the farmers doing? A: They were plowing I guess.
Q: Don't you remember your husband has a farm, hasn't he?
A: No sir, he has had his farm rented.
Q: What were his renters doing in the way of farming when this child was born? A: It was cool they couldn't do nothing much.
Q: You just simply don't know when the child was born, you don't know the month or the day of the month?
A: I know it was born on Friday.
Q: When you swore to this affidavit about the child being born on a certain date of a certain month you swore to something you were not positive of at all, were you?
A: No sir, not without them telling me.

- Q: If you stated in that affidavit that the child was born on the 2nd day of March, 1906, you stated that simply because somebody told you that, didn't you? A: Yes sir.
- Q: Well how do you happen to remember that the child was born on Friday? A: I know it was on Friday.
- Q: Didn't somebody tell you that lately, that the child was born on Friday? A: No sir.
- Q: You remember that? A: Yes, I remember that.
- Q: How did you happen to remember that the child was born on Friday? A: I didn't forget it, I know.

Questions by Commissioner:

- Q: Was it born in the full moon or the first quarter or how was the moon? A: I couldn't tell you that.
- Q: Can you remember whether it was the first part of the month or the middle of the month or the last part of the month? A: No sir.
- Q: You didn't pay any attention to the time at all, did you? A: No sir.
- Q: How much money did you get for acting as midwife? A: Five.
- Q: Five what? A: Five in money.
- Q: Five Dollars? A: Yes sir.
- Q: When did they pay you that? A: They paid me the same week.
- Q: The same week it was born? Do you know where they got the money to pay that with? A: No sir.
- Q: Did they pay you in Money or give you a check? A: Paid me in money.
- Q: Do you know of any other children born out in that neighborhood close to the time that Richard Mayberry was born? A: No sir.
- Q: Didn't you wait on anybody close around to that time? A: No sir.
- Q: Don't you know of any people who died in that neighborhood close to the time this child was born? A: No sir.
- Q: Did they have any hired man working for them when you got to the house to wait on the child? A: No his brother stays with him.

It appears from the records in the possession of the Land Office that Anthony Mayberry, under a power of attorney, selected an allotment for Ellis Mayberry on February 24, 1906.

This is all the evidence given in said cause on said date.

I, Julia C. Leval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Leval

Subscribed and sworn to before
me this 6 day of October, 1906.

William
Notary Public.

Quest Enactment No 1091.
(N.B. #174)

Richard Mayberry.

777 #174

No. 1091.

JLD:
CM

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Richard Mayberry as a Creek freedman.

DECISION

The record in this case shows that on May 24, 1906 application was made, in affidavit form, supplemented on September 22, 1906 by oral testimony, for the enrollment of Richard Mayberry as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906.

It appears from the evidence filed in this cause that Richard Mayberry was born March 2, 1906, was living March 4, 1906 and was the child of Anthony Mayberry, a non-citizen, and Cora Mayberry, who is identified on the approved roll of Creek freedmen as Cora Nave; No. 2182.

It is, therefore, ordered and adjudged that the said Richard Mayberry is entitled to enrollment as a Creek freedman under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. L. 137), and the application for his enrollment as such is accordingly granted.



COMMISSIONER.

Muskegee, Indian Territory,

FEB 18 1907

174
Mother's roll # F. 2182
REEK FREEDMEN. 100

NEW BORN 174 IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 20, 1900.

Richard Mabrey
as a citizen of

Creek Nation.

Approved..... 190.....

Commissioner.

NEW BORN

Born March 2, 1906.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED

May 24

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
 of Richard Mayberry, born on the 8 day of March 1906.
 (Here insert name of child)
 Name of Father: Anthony Mayberry a citizen of the United States.
 Name of Mother: Cora Mayberry a citizen of the Creek Nation.
 Tribal enrollment of father: Tribal enrollment of mother: Roll #2182.
 Postoffice: Gatnos, Ind. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Northern Judicial District.

I, Cora Mayberry, on oath state that I am Twenty Two years of age and a citizen by Freedom of the Creek Nation; that I am the lawful wife of Anthony Mayberry, who is a citizen, and of the United States. Woman (that a Male child was born to me on 8 day of March 1906; that said child has been named Richard Mayberry and was living March 4, 1906.

Cora Mayberry

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 25 day of May 1906.

J. M. Wilson
 Notary Public
 My Commission Expires May 11, 1910

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Northern Judicial District.

I, Louisa Selby, a Mid-wife, on oath state that I attended on Cora Mayberry wife of Anthony Mayberry on the 8 day of March 1906; that there was born to her on said date a Male child; that said child was living March 4, 1906, and is said to have been named Richard Mayberry.

Louisa Selby

WITNESSES TO MARK:

J. M. Wilson
G. R. Roberts

Subscribed and sworn to before me this 25 day of May 1906.

EMPTY

CR EN 1093

CR EN 1093

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY,
MAY 31, 1906.

In the matter of the application for the enrollment of
Fany Marshall, as a Creek Freedman.

Emily Marshall, being duly sworn, testified as follows:

- Q What is your name? A Emily Marshall.
Q What is your post office address? A Tullahassee.
Q How old are you? A 34.
Q Have you a child you want to have enrolled? A Yes sir.
Q What is its name? A Fany Marshall.
Q How do you spell it? A F-a-n-y.
Q How did you come to name it Fany? A Dr. Fane named him.
Q Is it a boy? A Yes sir.
Q Is he living? A Yes sir.
Q Haven't got it with you? A No sir.
Q Are you a citizen of the any of the Five Tribes? A No sir.
Q Just a state woman? A Yes sir.
Q What is the name of the father of Fany? A William Marshall.
Q What Creek Indian town does he belong to? A Arkansas.
Q Have you soem children by him that were enrolled here?
A Yes sir.
Q What are their names? A Clarence, Lewis, Ben, William and
Judy.
Q You are only 34 and married a man over seventy? A Yes sir.
Q Didn't you make application for this child Fany last year?
A No sir.
Q Why how does it come that you let this opportunity pass?
A At the time Mr. Marshall was sick and we couldn't get off and
we just let the time pass before we could get over here.
Q And if it wasn't for this last law that was passed, you would
have lost this child's rights.
Q Did that Dr. Fane, or whatever his name is, attend on you at the
birth of the child? A Yes sir.
Q Where is he? A Porter, I suppose he is there.
Q You are advised that you must furnish this office with the
affidavit of that doctor.
Q Are you married to William Marshall? A Yes sir.
Q He is the father of this child? A Yes sir.
Q You are advised that you must furnish this office with either the
original or a certified copy of your marriage license.
Q Have you had any other children besides this Fany? A Yes sir.
Q What is the name of the child? A Lindsey.
Q Boy or girl? A Boy, it died.
Q How old was he when he died? A Going on eight months old.
Q When did he die? A 5th of April, last year.
Q You mean a year ago? A Yes sir.
Q April 5, 1904? A Yes sir.
Q Did the 5th of April 1904, and was going on eight months old
when he died? A Yes sir.
Q Died a year after Fany was born? A Yes sir.
Q Fany was born first? A Yes sir.
Q Last month was April, how long ago was it when that boy died?
A The 5th of last April was a year.

Q Well last month was April 1906, was it April 1905 that the child died? A Yes sir.
Q You never made application for his enrollment? A No sir.
Q You wanted to know if you could apply for that one, if you had applied for him last year, he would have been entitled? A Yes sir.
Q But the law this year reads "minors living March 4, 1906" that child wasn't living March 4, 1906, was it? A No sir.
Q When was Lindsey born? A He was born in 1904.
Q Was it September, 1904? A Yes sir, 1904.
Q What day of the week was he born? A I couldn't tell you that.
Q Born in September, you don't know what day of 1904, and died April 5, 1905? A Yes sir.
Q You never did anything toward the enrollment of this child before this time? A No sir.
Q And last year you were allowed sixty days from March 4, in order to get in applications for the enrollment of just such children?

William Marshall, being duly sworn, testified as follows:

Q What is your name? A William Marshall.
Q What is your age? A About 73.
Q What is your post office address? A Tullahassee.
Q What is the name of your father? A Ben.
Q What is the name of your mother? A Judy.
Q What town do you belong to? A Arkansas.

Witness is identified as William Marshall, opposite Creek Freedmen Roll No. 3960.

Q You had two children, one named Fany and the other Lindsey?
A Yes sir.
Q Is Fany living? A Yes sir.
Q How old is he? A Going on three years old.
Q Is Lindsey living? A He is dead.
Q When did he die? A Last fall, sometime last fall.
Q Is your memory for dates very good? A No sir.
Q Your wife just said he died in April, that is in the spring?
A I don't remember, I can't read and write, and I don't remember dates very well anyhow.
Q He died last year? A Yes sir, the same year he was born is all I can tell you. His wife explains that he thinks he died in the same year because he didn't live a year.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merrick

Subscribed and sworn to before me this 1st day of June, 1906.

H. H. H.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, October 2, 1906.

In the matter of the application for the enrollment of
FAIN MARSHALL as a Creek freedman.

EMILY MARSHALL, being duly sworn by Henry G. Hains, a
Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Emily Marshall.
Q How old are you? A 34.
Q What is your postoffice address? A Tullahassee.
Q What is the name of this boy you have here? A Fain Marshall.
Q Know how to spell that? A F-a-i-n.
Q Why did you when you testified ~~here~~ in this case last May,
why did you spell it for us F-a-n-y- then? A Why we had
just been usually calling him Fany, so I didnt make no differ-
ence that time; I dont know why I said Fany.
Q But the correct name is Fain is it? A Yes sir.
Q Like you and the others have sworn to in these affidavits
sent in June? A Yes sir.
Q Correct name? A Yes sir.
Q Where did you get that name from? A Dr. Fain.
Q And you know that Dr. Fain spells it F-a-i-n? A Yes sir.
Q He doesnt spell it F-a-n-y? A No sir.
Q Was that the same as Dr. Fain? A Yes sir.
Q This last affidavit made by you in June gives the correct
name of the child, and this sworn to in May is wrong is it?
A Yes sir.
Q And this testimony was wrong in that respect, is it, that
you gave in May? A Yes sir.
Q Now when you appeared at this office in May you made an affi-
davit stating that this child was born September 14, 1903,
is that correct? A No sir.
Q You also testified and said that this child was going on
three years old; if that was the case then September 14,
1903, would be incorrect date; were you mistaken in that testimony?
A Yes sir.
Q How do you explain that you made a mistake in the affidavit
filed before the Commissioner in May? A I thought I had
it right. I went back home, looked at the record on the book

Fain Marshall-----2

found that I had it wrong.

- Q Was it for that reason, to correct which affidavit and the testimony, was it for that reason that you sent in this affidavit executed in June, in which you gave the correct name as Fain and correct date of birth as August 13, 1902? A Yes sir.
- Q Then the date and the name of that child as given in your affidavit and the affidavit of the doctor made out in June, this latter affidavit is correct? A Yes sir, it is correct.
- Q Now how old, if you are positive that this child was born in August, the 13th, how old is that child now? A Must be five I guess.
- Q Must be four years old past? A Yes sir.
- Q When you said it was three, going on, you made a mistake? A Yes sir.
- Q Did you bring that record that refreshed your mind with you? A No sir, didnt bring it?
- Q You were told to have Doctor Fain here with his books to settle mistakes of date; why didnt you bring him along? A He promised to come.
- Q He is not here now? A No sir.
- Q Were you married to the father of this Fain child? A Yes sir.
- Q Have you the marriage license with you? A No sir.
- Q Have you at home? A No sir, never got any.
- Q How were you married? A Married by preacher.
- Q What is the name of that preacher? A Monday Barnett.
- Q Is he living? A No sir.
- Q Who was present when you were married to this man? A My home folks and some more folks, my mother and father and sisters and brotherinlaw and some more, two more families.
- Q Have you any witness of that marriage here today? A Yes sir.
- Q What are their names? A John Elliott? A
- Q Was he present when you were married? A Yes sir.
- Q Has he known that you have lived together ever since? A Yes sir.
- Q How many children have you had by William? A Ten.

WITNESS EXCUSED.

WILLIAM MARSHALL, being duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q William, did you have a marriage license when you married this woman, Emily? A Preacher married us.
- Q What is his name? A Monday Barnett.
- Q Is he living? A No sir, dead.
- Q Is this man that you are going to introduce as a witness, was he present when you were married? A Yes sir, step father, my fatherinlaw.
- Q What is his name? A John Elliott.

Pain Marshall-----3

- Q You positively swear that this child, Pain, is yours? A Yes sir, I can swear it.
- Q Have you lived with Emily ever since you married her? A Yes sir, been living with her ever since I married her.
- Q When? A About twenty years ago.
- Q Where? A Down here in the bottom, the Arkansas.
- Q Muskogee? A No answer. (shakes head in approval)

WITNESS EXCUSED.

JOHN ELLIOTT, being duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A John Elliott.
- Q How old are you? A I am now this month 78 years old.
- Q What is your postoffice address? A Muskogee.
- Q Are you any kin to Emily Marshall here? A Her step-father.
- Q Did you marry her mother, is that the way of it? A Yes sir.
- Q Do you know if she is married now? A Yes sir.
- Q To whom? A William Marshall.
- Q This old man here? A Yes sir.
- Q When was she married to him? A Well he married her, as well as I can get at it, about twenty years ago, might be a little over, but I am sure he has been married that long.
- Q Were you there when they were married? A Yes sir, been right there, at our house where we was living.
- Q Have they always been regarded as man and wife, as married people, in the neighborhood in which they lived? A Yes sir.

WITNESS EXCUSED.

EMILY MARSHALL, being recalled, testifies as follows:

BY THE COMMISSIONER:

- Q How long was it between the birth of Pain and Lindsay; how long after Pain's birth was it that Lindsay was born? A About two years.

Fain Marshall-----4

- Q Well now, you have sworn positively that Fain was born in August, the 13th, 1902, and you state that he was four years old last August, and you have sworn here that the other one, Lindsey, was born in September, 1904, that would make it about two years and a month after, is that correct? A Yes sir.
- Q You are sure you have applied for Luella? A No sir, never did; went to the court house, enrolled her there; she died; never tried to enroll her.
- Q Died before the land office opened, did she? A Yes sir.
- Q That is the reason you never tried? A Yes sir.

WITNESS EXCUSED.

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause, on October 2, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

Cora Moore

Subscribed and sworn to before me this October 3, 1906.

H. H. Harris

Notary Public.

N.B.F.216.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, October 3, 1906.

In the matter of the application for the enrollment of
FAM MARSHALL as a Creek freedman.

DR. J. N. FAIN, being first duly sworn by Henry G. Hains,
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Dr. J. N. Fain.
Q How old are you? A 36.
Q What is your postoffice address? A Porter.
Q What is your occupation? A Physician.
Q Did you, as a physician, attend on Emily Marshall, wife of
William Marshall, when a child was born to her some years
ago? A Yes sir.
Q What is the name of that child? A Fain Marshall.
Q Did they name it after you? A Yes sir.
Q We have an affidavit, in which it is stated that a child was
born August 13, 1902, and that it was living on March 4, 1906?
A Yes sir.
Q Do you know, as a matter of fact, that it was born in August
some years ago? A Yes sir.
Q Did you make any record? A Didn't make any record no sir.
Q Why? A They paid; no record to make.
Q Did you see the child on March 4, 1906, or any date after that?
A Yes sir, have seen the child since then.
Q You know the affidavit saying it was living March 4, 1906,
is correct? A Yes sir, I do; I gave it medicine several times.
Q You are sure it is just a little over three years old if she
said it was born in 1903? A I moved to Arkansas in 1902;
I moved back now, so it could not have been that time, because
I was living in Arkansas.

WITNESS EXCUSED.

Gora Moore, being duly sworn, states that as stenographer to
the Commissioner to the Five Civilized Tribes she reported the pro-
ceedings had in the above entitled cause on Oct. 3, 1906, and that
the above and foregoing is a true and correct transcript of her
stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this October 10, 1906.

Edward H. Hains
Notary Public.

En.-1093.

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lindsey Marshall, deceased, as a Creek freedman.

STATEMENT AND ORDER.

The record in this case shows that on May 31, 1906, application was made, in affidavit form, supplemented on said date and on October 2, 1906, by oral testimony, for the enrollment of Lindsey Marshall, deceased, as a Creek freedman.

It appears from the evidence filed in this matter that Lindsey Marshall was born in September, 1904, and died April 5, 1905, and was the child of William Marshall, whose name appears opposite number 3960 on the approved roll of Creek freedmen, and Emily Marshall, his wife, a non-citizen.

The records of this office show that no application has ever been received for the enrollment of the applicant herein as a Creek citizen prior to December 1, 1905.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of said Lindsey Marshall, deceased, as a freedman of the Creek Nation, and the application for his enrollment as such is accordingly dismissed.



Commissioner.

Muskogee, Indian Territory,
FEB 18 1907.

En.1093.

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Fain Marshall, as a Creek freedman.

D E C I S I O N.

The record in this case shows that on May 31, 1906, application was made, in affidavit form, supplemented on said date by oral testimony, and on July 19, 1906 by further affidavits and on October 2, 1906 by further testimony and on October 3, 1906 by further testimony, for the enrollment of Fain Marshall, as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906.

There is a discrepancy in the evidence as to the spelling of applicant's given name and also as to the date of his birth, the spelling Fany and Fain being used and the dates September 14, 1903 and August 13, 1902 being given. It appears clearly from the testimony, however, that the correct spelling is Fain, and that the correct date is August 13, 1902.

It appears from the evidence filed in this matter that Fain Marshall was born August 13, 1902, was living March 4, 1906, and was the child of William Marshall, whose name appears opposite number 3960, on the approved roll of Creek freedmen, and Emily Marshall, a non citizen.

It appears further that said William Marshall and Emily Marshall were married about 20 years prior to the date of the hearing herein (October 2, 1906), by one Monday Barnett, a preacher, and that they have lived together from the date of said ceremony to the date of hearing aforesaid.

It is, therefore, ordered and adjudged that the said Fain Marshall is entitled to enrollment as a Creek freedman, in accordance with the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137), and the application for his enrollment as such is accordingly granted.

 COMMISSIONER.

Muskogee, Indian Territory,

FEB 18 1907

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.*Fair Marshall*

as a citizen of

Green Nation.

Approved..... 190...

.....
Commissioner.

Recd July 19-06

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN THE APPLICATION FOR ENROLLMENT, say a citizen of the CREEK Nation,
of Fain Marshall born on the 13 day of Aug. 1902
(Here insert name of child)
Name of Father: Wm Marshall a citizen of the Creek Nation.
Name of Mother: Emily Marshall a citizen of the U.S. Nation.
Tribal enrollment of father: Creek Tribal enrollment of mother: _____
Postoffice: Tullesharre I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }

Western District. }

I, Emily Marshall on oath state that I am 34
years of age and a citizen by _____ of the _____ Nation;
that I am the lawful wife of Wm Marshall who is a citizen, by
Blood of the Creek Nation; that a Male child was
born to me on 13 day of August 1902; that said child has been named
Fain Marshall and was living March 4, 1906.

Emily Marshall

WITNESSES TO MARK:

[Must be Two
Whiteside]

Subscribed and sworn to before me this 9th day of June 1906.

Wm Cunningham Chas L Hale
expires Oct 13-08 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }

Western District. }

I, J. H. Fain Physician, on oath state that I
attended on Emily Marshall wife of Wm Marshall
on the 13 day of Aug. 1902; that there was born to her on said date a Male
child; that said child was living March 4, 1906, and is said to have been named Fain Marshall.

J. H. Fain

WITNESSES TO MARK:

[Must be Two
Whiteside]

Subscribed and sworn to before me this 9th day of June 1906.

Wm Cunningham

Chas L Hale

Notary Public.

Father's roll # F. 3960

189

NEW DORN 216 IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 20, 1906.

Fanny Marshall

as a citizen of

Creek

Nation.

Approved 190...

Mr. J. J. Good

Commissioner.

NEW DORN CREEK FREEDMEN.

May 31 06

Born Sept. 14, 1903.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the..... **CREEK** Nation,
 of Fanny Marshall....., born on the 14 day of Sept. 1992
(here insert name of child)
 Name of Father: William Marshall..... a citizen of the Creek Nation.
 Name of Mother: Emily..... a citizen of the U.S. Nation.
 Tribal enrollment of father: Arkansas..... Tribal enrollment of mother: U.S.
 Postoffice: Tullessee D.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

I, Emily Marshall....., on oath state that I am 34
 years of age and a citizen by U.S. of the U.S. Nation;
 that I am the lawful wife of William Marshall....., who is a citizen, by
adoption of the Creek Nation; that a male child was
(Male or Female)
 born to me on 14 day of September, 1992; that said child has been named
Fanny Marshall....., and was living March 4, 1906.

Emily Marshall

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 31 day of May, 1906.

Her Hains

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

..... District.

I,, on oath state that I
 attended on Fanny Marshall.....
 on the day of, 1906; that there was born to her on said date a male child;
(Male or Female)
 that said child was living March 4, 1906, and is said to have been named.....

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this day of, 1906.

Notary Public.

Father's roll # F. 3960
NEW CORN 216- WE

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 26, 1906.

Lindsay Marshall

as a citizen of

Creek Nation.

Approved: 190...

Commissioner.

NEW CORN CREEK FREEDMEN.

WE Born Sept 1904 }
died Apr. 5-1905 } WE

May 31-06

NE

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1904.

IN THE APPLICATION FOR ENROLLMENT, as a citizen of the.....Nation,
of Lindsey Marshall....., born on the — day of Sept. 1904
(Mark insert name of child)
Name of Father: William Marshall.....a citizen of the Creek Nation.
Name of Mother: Emily.....a citizen of the.....Nation.
Tribal enrollment of father: Arkansas.....Tribal enrollment of mother:.....
Postoffice: Tullessee I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory.

Western District.

I, Emily Marshall.....on oath state that I am 34
years of age and a citizen by.....of the U.S. Nation;
that I am the lawful wife of William Marshall....., who is a citizen, by
adoption of the Creek Nation; that a male child was
born to me on.....day of September, 1904; that said child has been named
Lindsey Marshall.....and was born March 5-1905.
Emily Marshall

WITNESSES TO MARK:

[Must be Two Witnesses] {.....}

Subscribed and sworn to before me this 31 day of May, 1906.

H. H. Harris
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory.

.....District.

I,.....on oath state that I
attended on.....
on the.....day of.....; that there was born to her on said date a.....
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named.....

WITNESSES TO MARK:

[Must be Two Witnesses] {.....}

Subscribed and sworn to before me this.....day of.....1906.

Notary Public.

MEY 318.

Muskogee, Indian Territory, September 22, 1906.

Emily Marshall,

c/o William Marshall,

Tulalahoma, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Fanny or Pain Marshall, born August 13, 1902, or September 14, 1903, as a Creek Freedman, you are advised that you should appear at this office with the father of said child. You should also bring with you a certified copy of your marriage license and certificate of your marriage to William Marshall, the father of said child.

You are allowed fifteen days from date within which to cause J.H. Pain, the physician in attendance at the birth of said child, to appear at this office with any record he may have in his possession relative to the birth of said child.

Respectfully,

Commissioner.

Gr.En. 1093.

Muskogee, Indian Territory, February 18, 1907.

William Marshall,

Tallahassee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the statement and order of the Commissioner to the Five Civilized Tribes, dated February 18, 1907, dismissing the application made by you for the enrollment of your minor child, Lindsey Marshall, as a Creek Freedman.

Respectfully,

Commissioner.

Register.
IM-225.

CR EN 1094

CR EN 1094

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JUNE 8, 1906.

In the matter of the application for the enrollment of
Thomas Morrison, deceased, as a Creek Freedman.

Ella Morrison, being duly sworn, testified as follows:

- Q What is your name? A Ella Morrison.
Q What is your age? A 20.
Q What is your post office address? A Tullahassee.
Q You are a state woman? A Yes sir.
Q What was your name before marriage? A Ella Houston.
Q How many children have you had? A Three.
Q What is the name of the first? A Charley Morrison.
Q Is he living? A Yes sir.
Q How old is he? A Three years old now.
Q Is he three or going on thee? A He is going on four.
Q Did you file for him? A Yes sir.
Q We have an here on file your affidavit in which you stated Charley Morrison was born August 10, 1902, then we have a later one from you and one from Joseph Morrison, the father of said child, in which you state that he was born August 10, 1903, and we have your testimony of August 29, 1905, in which you stated that you didn't know the year in which he was born but that he was two years old. The question "Then he was born in 1903" was asked and you answered "Yes sir". On the same day Joseph Morrison said he was born August 10, 1903. When I enrolled Charley Morrison, he wasn't three years old and I enrolled Joe before Charley was enrolled-----
Q I didn't ask you when Charley was enrolled? A No answer.
Q What was the name of the child after Charley? A Joe Morrison.
Q He is dead? A Yes sir.
Q What is the name of the next one? A Thomas Morrison.
Q What is the name of his father? A Joseph Morrison.
Q Same father as the other two children? A Yes sir.
Q When was Thomas Morrison born? A December 28.
Q What year? A Last year.
Q Just after last Christmas? A Last year is all I can tell.
Q How do you know he was born that time? A I ought to know when 1905 is.
Q Did you make any record of the date of his death? A Yes sir, in a Bible.
Q Did you make it? A No sir, his father did.
Q What is the name of the midwife that attended you? A Zera Smith.
Q Is she here? A No sir.
Q You are advised that you must furnish her affidavit of your marriage to Joseph Morrison, the father of the child. A Yes sir.
Q You are also advised that you must furnish this office with either the original or a certified copy of that marriage license you were told to do that in the case of Charley Morrison, but you didn't do it. I lost it, I guess I can get a copy of it at the court house.
Q Is that child living? A No sir.
Q When did he die? A May 6.
Q What year? A This year.
Q How old was he when he died? A Four months old, we get it down in the Bible, little over four months old. I will have to bring the midwife she can tell how old it was.
Q Does she know when the child died? A Yes sir.

Q Does she know when the child died? A Yes sir.
Q Was she there when it died? A Yes sir, I had been staying with her.
Q Was it written down anywhere about the death of this child?
A Yes sir, in the Bible.
Q Who did that writing? A His father.
Q Joseph? A Yes sir.
Q Did you have an undertaker when the child died? A No sir.
Q Who buried it? A We buried it in the country.
Q Who made the coffin? A We had it made.
Q Who made it? A I don't know sir who it was that made it.
Q Did you have a doctor attending the child in its last illness?
A No sir.
Q How long ago did this child die? A I told you once when it died.
Q I asked you how long has it been since it died? A That was last month.
Q What day of the week did it die on, Sunday, Monday or what?
A I can't remember, it was May 6, I know that.
Q Did you have a funeral? A No sir.
Q Did you go to the grave yard? A I was sick.
Q You weren't sick from just having had the child? A No sir.
Q Did Joe go to the funeral? A Yes sir.
Q Anybody else? A I wasn't there.
Q Didn't you see them start? A Yes sir.
Q Who started with him? A I don't know, I was sick.
Q Would that prevent you from seeing who left the house with the child? A I didn't see them.
Q Who helped to carry the body out of the house? A Sandy Smith for one.
Q Anybody else? A I don't remember.
Q Wasn't Joe present when it was born? A No sir.
Q After its birth how long was it before he saw it? A He got back there I don't know how long it was.
Q Was it the same day? A Yes sir. He came after the child was born, but he wasn't right there at the house right then.

Joseph Morrison, being duly sworn, testified as follows.

Q What is your name? A Joseph Morrison.
Q What is your age? A 33.
Q What is your post office address? A Tullahoma.
Q Are you a Creek Freedman? A Yes sir.
Q What is the name of your father? A Kernal Morrison.
Q What is the name of your mother? A Fanny Echels.
Q What Creek Indian town do you belong to? A Arkansas.
Q You are sure of that? A Yes I think it is, I am not positive.

Witness is identified as Joseph Morrison, opposite Creek Freedmen Bolk No. 4082; it is noted that this party belongs to Canadian Town.

Q Did you have a child named Thomas Morrison? A Yes sir.
Q What was the name of its mother? A Ella Morrison.
Q Are you married to her? A Yes sir.
Q How long have you been married to her? A About three years.
Q Is that child living? A No sir.
Q When was he born? A 22 of December.

Q What Year? A 1905.
Q How can you remember that, is there anything that happened that helps you to remember it? A Well when the child was born I got the Bible and put it down with the others.

Q Have you that Bible with you? A No sir, it is at home.
Q Do you know what day of the week it was born? A I am not positive, but think it was Tuesday.
Q Were you present when it was born? A No sir.
Q How long after it birth was it before you saw it? A About a half hour I guess.
Q What is the name of the midwife? A Zora Smith.
Q How long did the child live? A About four months as near as I can remember, died the 6th of May.
Q Was it more than four months or less? A I don't know, I didn't keep count.
Q Did you have an undertaker? A No sir.
Q Did you have a doctor? A No sir.
Q Who buried the child? A Myself and Sandy Smith.
Q Who else was at the grave? A Anybody?
Q Yes. Who else was at the grave? A Nobody but Sandy and his wife I wasn't able to buy a coffin and just made it.
Q Where did you bury it? A At the grave yard.
Q Where? A Glover's grave yard.
Q Did it cost you anything to bury it? A No sir.
Q You don't know whether anybody made a record of it at the graveyard? A No sir.
Q Did you have a headboard? A No sir. I just got some sticks and put them down.
Q Is there any writing on that? A No sir.
Q Wasn't there anybody right around there see you burying the child?
A Ketch Barnett and a nother fellow, I don't know his name, they saw me when I was going to the graveyard.
Q How long ago was that funeral? A About a month ago, 6th of May.
Q Q You have both been advised that you must furnish this office with the midwife's affidavit and your marriage license, either the original or a certified copy.

Lona Merriek, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merriek

Subscribed and sworn to before me this 11th day of June, 1906.

H. H. Harris

Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 7, 1906.

P.223 (April 26, 1906).

In the matter of the application for the enrollment of Thomas Morrison, deceased, as a Creek freedman.

APPEARANCES: J.C.Lieber attorney for applicant.

SANDY SMITH, being duly sworn, testified as follows:

- Q What is your name? A Sandy Smith.
Q What is your age? A Twenty seven.
Q What is your post office address? A Tallahassee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Joseph Morrison? A Yes, sir.
Q What is the name of his wife? A Ella Morrison.
Q How many children has he living or dead? A Three.
Q What are their names? A One Thomas and Charlie and one I don't know the name.
Q Do you live near them? A He lives with me.
Q Did you ever see his child Thomas? A Yes, sir.
Q How often do you see him? A Very often; the child is right on the place with me.
Q When born? A In December.
Q What day? A Along about the 28th.
Q What year? A 1905.
Q Do you know what day of the week that was? A No, sir, I don't.
Q Don't know whether it was Sunday or a weekday? A No, sir.
Q How long did the child live? A It died in May.
Q Can't you answer my question, how long did it live, years, months or days? A It lived very nigh a year.
Q Do you know how many months in a year? A Yes, sir.
Q How many? A Twelve.
Q Very near 12 would be somewhere around 11, did it live 11 months? A I don't know that.
Q You say it was born in December 1905, would that be last December? A Yes.
Q Don't you know that that isn't a year ago? A I said something like a year.
Q It isn't very near a year since last December, it is very little over six months, so the child couldn't have lived very near a year? A A half a year.
Q Can't you give it any closer than that; did it live only a month or two months? A It lived 4 or 5 months I know.
Q When did it die? A In May.
Q Whatday? A I don't know what day but I know it was in May.
Q How do you know it was in May? A Well I do.
Q How do you know it was in May? A I was planting corn.
Q Didn't you ever plant any corn any other time? A I know what month it was. It was right there on my place.
Q Do you know May or any months? A Yes, sir.
Q What month is this? A July.
Q How many days are gone? A Today is the 7th.
Q Do you know when Christmas time comes? A Yes, sir.

Q Was this child born before or after Christmas? A After Christmas.
Q I will ask you again how long this child lived, don't tell it was born a certain time but tell how long it lived? A I don't know.
Q You can't tell whether it was very near a year or whether it was four or five months as you last stated? A Four or five months.
Q Can you read and write? A A little.
Q You stated the exact date of the birth of this child, how does it come you could do that, did some one tell you? A No, sir.
Q Nobody ever talked to you about it? A No, sir.
Q Do you mean to say you who do not know the difference between 4 months and over a year that you know the exact date without any one telling you, and it wasn't your child—how do you account for that?
A He was living right there with me, right in the room.
Q Didn't you ever talk about the birth of this child? A No, sir.
Q When were you first told that you were to be a witness in this case?
A This morning.
Q Who told you? A Joe.
Q What time this morning? A I don't know; it was over here at the courthouse.
Q How long ago? A About eight o'clock.
Q Have you been with him ever since? A No I haven't been with him ever since.
Q Where have you been? A He left me at the courthouse.
Q Have you talked with Mr. Lieber? A That is all he told me.
Q Didn't tell you the date this child was born? A No, sir.
Q Isn't it a matter of fact that if you hadn't been told December 28 you wouldn't have known? A No, sir I wasn't told.
Q Did anybody tell you this child died in May? A No, sir.
Q You never heard anybody say Thomas Morrison died in May? A No, sir.
Q How did he tell you he wanted you to witness in the case? A He said he wanted me to come up here and witness when the child was born and died, that is all he told me.
Q Did you tell him at that time when your knowledge of those dates was? A Yes, sir. He asked me did I know and I said I was right there.
Q Was that all you told him? A That is all.
Q And he didn't ask you the date of death? A No, sir. I only knew it died in May.
Q That is not what I asked you; I asked you if he asked you when it died and if you told him? A No, sir he didn't ask me.
Q He simply asked you if you knew when it was born and you said December 28 and up to that time no one had told you it was born December 28? A No, sir.
Q Have you any children born the last year or two? A Yes, sir I have/
Q When was that child born? A Last of November.
Q What is the name of that child? A Harry Smith.
Q Is it living? A No, sir.
Q When did it die? A The same year; no I mean the next coming year.
Q Which is correct, the same year or the next coming year? A The next year.
Q What year was it born? A I have it all down.
Q What day and what month? A The last of November.
Q Have you got it all down the birth and death of Thomas Morrison Joe's child? A No Joe has it down.
Q You never looked at it? A No, sir.
Q When did your child Harry Smith die? A It was some time in August. It was on a Sunday but I don't know just what day, I have it down all right.
Q And in spite of the fact that you have down the birth and death of your child Harry and you haven't Joe's child down you can tell Joe's child birth and death and can't tell your own? A It has been so long, and Joe's child died lately.
Q What day of the week did Thomas Morrison die? A I don't know
Q What time of the week was it born? A I don't know.

Q What day of the week was it born? A I don't know.
Q And you helped put it in the ground? A No, sir.
Q Do you remember whether it was a weekday or Sunday? A I didn't pay any attention.
Q Are you sure this child didn't die as early as February? A No, sir it didn't.
Q Are you sure of that? A Yes, sir.
Q Or March or June? A No, sir it died in May.
Q Are you sure it didn't die as early as June of this year? A I am sure of that.
Q Did it die after June? A It died before June.
Q Did they have an undertaker to bury Thomas? A No, sir
Q Do you know if they bought anything in the store at the time of the funeral? A I don't know.

BY ATTY. for applicant.

Q How long has it been since this child Thomas Morrison died? A About 4 or 5 months.
Q Since it died? A It died in May. I thought you asked me how long it lived after it was birthed.
Q How long has it been since it died, how many weeks or months? A About two months.
Q About how old was the child when it died? A I think 4 or 5 or 6 months somewhere along there.
Q Have you a bible at your house? A Yes, sir.
Q In whose bible is the record of the birth and death of this child Thomas Morrison? A In my bible with my children.
Q Are you related to these people in any way? A No, sir.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me
this 10 day of July 1906.

Anna Garrigues
Edward Kerrick
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 13, 1906.

NBF 223.

In the matter of the application for the enrollment of Thomas Morrison, deceased, as a Creek Freedman.

Appearances: John B. Leiber, attorney for Applicant.

Joseph Morrison, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Joseph Morrison.
- Q: Have you testified in this case before? A: Yes sir. (Witness presents a small book, entitled Holy Bible) and in about the center of same on blank pages, reserved for family record, there is certain writing. On the first of said pages, under the heading of marriages appears the name of Lucy Smith, in black lead pencil, on the next page under the heading of births appears various writings in indelible black pencil. The third page under the heading of births is filled with meaningless scribbling. On the 4th. and last page under the heading of deaths appear 8 lines in indelible lead pencil/ page 4, is as follows:
Charlie Morrison, born August 10, 1903.
Joe Morrison, born December 5, 1904, died February 6, 1905.
Thomas Morrison born December 28, 1905, died May 6, 1906.
- Q: Who wrote that page in indelible pencil? A: I wrote that.
- Q: Did you write that about the birth of Charlie Morrison?
- A: I wrote it all.
- Q: All yourself? A: Yes sir.
- Q: When did you write that about Charlie Morrison? A: Long, long ago.
- Q: When did you write that about Joe Morrison's birth and death?
- A: Directly after I buried him.
- Q: After you buried Joe? A: Yes sir.
- Q: When did you write that about Thomas, directly after he died? A: Yes sir.
- Q: It is very difficult to tell the date of writing with indelible pencil but it appears from an examination of this paper that it was all written at the same time, all being of a freshness.
- Q: What did you write as you remember it about Thomas Morrison the first time you wrote anything? A: I wrote that Thomas Morrison was born December 28, 1905.
- Q: Anything else? A: I wrote he died May 6, 1906.
- Q: You are sure you wrote that the first time? A: Yes sir.
- Q: Didn't you say something else besides this at first and erased it and put something else in? A: I made a mistake about the 3rd. that is what I did, I will be honest with you
- Q: Did you ever hear of people being anything else but honest when they swear? A: Yes, I have heard of folks, but I haven't been that way, I didn't try to lie.
- Q: Do you understand what an oath is? A: Yes sir.
- Q: You say you made a mistake and wrote May 3rd and rubbed out the 3, and put 6? A: Yes sir.
- Q: Couldn't you have made a mistake in putting May there?
- A: Yes, I might have made a mistake, a man could have made a mistake, I have made mistakes in writing letters, in spelling words. I didn't make a mistake in writing May though.

Q: Did you write on the first page about birth? A: No sir.
Q: Did you write this under marriage about Lucy Smith?
A: No sir.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said case.

Julia C. Laval

Subscribed and sworn to before me,
this 27th. day of July, 1906.

[Signature]
Notary Public

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H.B.F. 238.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Waukegon, Indian Territory, October 12, 1900.

In the matter of the application for the enrollment of
CHARLEY WILLIAMS as a Creek freedman.

APPEARANCE:

JOHN G. LINGER appears for H. L. Mott,
attorney for the Creek Nation.

AMELIA SANDERS, being first duly sworn by Henry G.
Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Amelia Sanders.
Q How old are you? A 30.
Q What is your postoffice address? A Wybark.
Q Are you a citizen of any one of the five civilized tribes
or state women, which? A Citizen.
Q Of what? A Creek Nation.
Q Creek freedmen are you? A Yes sir.
Q Do you know Minnie Williams? A Yes sir.
Q Is she a Creek freedman? A Yes sir.
Q Do you know her husband? A Yes sir.
Q What is his name? A John Williams.
Q Is he a citizen or state man? A State man.
Q How long have you known them? A Been knowing Minnie quite
a while, she is my sister, known her all my life.
Q Had the same father and mother as Minnie did you? A Yes sir.

BY MR. LINGER:

- Q Do you know a child of John and Minnie Williams by the name of
Charley Williams? A No sir.
Q How close do you live to your sister Minnie? A I dont know
sir, I couldnt tell exactly how close I live, I think about
a quarter.
Q A quarter of a mile? A Yes sir, not knowing exactly my
husband, know.
Q How long has your sister been married? A I guess it is about
eight years going on nine.

Charley Williams-----2

- Q How many children has she had? A Had two to my knowing.
- Q What are their names? A One's Ida May Williams, and the other George Williams; George was older than Ida.
- Q When was the last time that she gave birth to a child to your knowledge? A I couldnt exactly tell you; I dont know.
- Q I ask now, to your knowledge? A None but Ida to my knowing, that little girl.
- Q How old is Ida? A She is three going on four, if I make no mistake.
- Q Have you lived within a quarter of a mile of your sister, Minnie for the past two or three years? A Yes sir.
- Q And you and she have been living right where you are now for the last two or three years? A Yes sir.
- Q Are you on good terms with your sister? A Yes sir.
- Q Visit much, do you? A No sir, dont visit very much.
- Q You go there to the house? A Yes sir.
- Q You talk to her whenever you see her in talking distance? A Yes sir.
- Q Is her husband living over there with her? A Yes sir.
- Q About how often did you see your sister during the fall of last year? A I didnt see her very often; I didnt go anywheres myself; I wasnt in a fix to go anywheres.
- Q Well did you see your sister, as much as every week during last fall? A No sir, every two or three weeks.
- Q Every two or three weeks? A Yes sir.
- Q You are a married woman I believe? A Yes sir.
- Q Have you any children? A Yes sir.
- Q What is the age of your youngest child? A She is six going on seven.
- Q Six, going on seven months? A Seven years.
- Q You say your youngest child? A Yes sir-- my youngest child is ten, going on eleven months old.
- Q What is his name? A His name is Robert Lee Sanders.
- Q When was he born? A He was born in November, 24th day of November, 1906.
- Q Who waited on you when that child was born? A Mrs. Florence Collins and my sister Minnie Williams.
- Q And your child was born on the 24th day of November? A Yes sir.
- Q How long was your sister there at your house when she waited on you when that child was born? A She stayed all night with me; left the next morning.
- Q How long had it been before that time that you had seen her, or she had been to your house? A A week.
- Q She had been to your house a week before that? A Yes sir.
- Q Had she been at your house frequently before that Mrs. Sanders? A No sir, not as I remember of.
- Q Well she knew you was in that condition did she? A Yes sir.
- Q I suppose she came to see you once in a while? A Yes sir.
- Q Did you plan between you that she was to assist in waiting on you when this child was born? A Yes sir.
- Q When you took sick she was there? A No sir, she was at Wybark; I had Mrs. Collins call her in.

Charley Williams-----3

- Q You had seen her a week before that? A Yes sir, I guess it was about a week.
- Q And you say you had seen her during last fall on an average of about every two or three weeks? A Yes sir.
- Q Now during last year, say in October or September of last year, did your sister have the appearance of a woman who was about to give birth to a child? A No sir.
- Q If she been in that condition Mrs. Sanders would you have noticed it? A Yes sir, I guess I would have if I had paid that much attention to it.
- Q Wouldnt you have noticed it, she being your sister? A Yes sir, I suppose I would have.
- Q Did she ever any time during last September or October tell you, or indicate to you that she expected to give birth to a child, any time during last fall? A No sir, not to my notice she never said anything to me about it?
- Q She waited on you the 24th of last November of last year; did she say anything to you at that time about having given birth to a child a short time before that? A No sir.
- Q Have you ever heard of her giving birth to a child by the name of Charley Williams? A No sir, I have not.
- Q If she had given birth to a child on the 20th day of last November would you have known it? A I dont know sir, I couldnt tell; I wasnt able to go around.
- Q On the 20th of November before your child was born? A No sir, dont know about that.
- Q Would you have known it, Mrs. Sanders, if she had? A Suppose I would have heard, I probably would have if it had been born down there at that time.
- Q You were at your sister's house after you gave birth to your child; you got up and went to your sister's house didnt you? A Yes sir.
- Q Were you there on last Christmas? A I was there on Christmas Eve day; see Christmas Eve come on Sunday didnt it, if I make no mistake.
- Q You know you was there on Sunday during Christmas; have you been there since that time? A No sir.
- Q Have you been to your sister's house since last Christmas? A Yes sir, since last Christmas.
- Q How soon after Christmas was it; you went to her house in Christmas week you say? A About a month; got cold.
- Q How long did you stay there during that Christmas week? A I stayed there about a couple of hours.
- Q Did you see the children? A Saw the little girl; hadnt but one.
- Q Did you see any little baby? A No sir, didnt say anything to me about it.
- Q Did your sister say anything to you about having a baby there? A No sir, she didnt.
- Q Do you know whether your sister can write her name or not? A Not as I know of; I never seen her write it.
- Q What does her husband do, Mrs. Sanders? A Farm.
- Q His name is John Williams, isnt it? A Yes sir.
- Q Do you know Calvin Collins? A Yes sir.
- Q Do you know Jesse W. Cooper, a Notary Public up there? A No sir, not acquainted with him.

Charley Williams-----

- Q Mrs. Sanders have you ever heard of your sister giving birth to a child by the name of Charley Williams? A No sir, never have.
- Q You dont know anything about it? A No sir.
- Q And lived within a quarter of a mile? A No sir.

BY THE COMMISSIONER:

- Q What is the name of your father? A George Scott.
- Q What is the name of your mother? A Ann Scott.
- Q Was she ever known as Ann Calhoun? A Yes sir.
- Q And that is the same father and mother as your sister Minnie? A George Scott was; Calhoun is our step-father.

BY MR. LORBER:

- Q Mrs. Sanders, have you heard anything about your sister Minnie and her husband attempting to get a child on the roll that was never born? A No sir.
- Q Never have heard a thing about it? A No sir, never heard about it.
- Q Did they ever tell you about going before a Notary Public and making an affidavit about the birth of a child? A No sir.

WITNESS EXCUSED

LEE SANDERS, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Lee Sanders.
- Q How old are you? A 33.
- Q What is your postoffice address? A Wyand.
- Q You are a steamfitter are you not? A Yes sir.
- Q Are you the husband of the woman who has just left the witness stand? A yes sir.

BY MR. LORBER:

- Q You know John Williams and his wife Minnie Williams do you? A Yes sir.
- Q How close do you live to? A Near a half mile.

Charley Williams-----5

- Q How long have you lived that close to them? A About five or six years.
- Q How long have John and Minnie been married? A Been married about ten or eleven years.
- Q Have you known them ever since they have been married? A Yes sir.
- Q How many children have they had to your knowledge? A Two.
- Q What are their names? A One they got now is named Ida; had one before; never did hear its name.

BY THE COMMISSIONER:

- Q It is dead? A Yes sir.

BY MR. LIKKER:

- Q Ida still living? A Yes sir.
- Q Is Ida the youngest of these two children? A Yes sir; youngest I know of.
- Q How old you say Ida is? A Five years old.
- Q And you have been living within about a half mile of these people since Ida was born have you? A Yes sir.
- Q Have you known of their having any other children since Ida was born? A Don't know of any others.
- Q Did you see Minnie Williams frequently during last year? A Yes sir, I saw her pretty often.
- Q Talk to her? A Yes sir.
- Q Were you at her house a number of times during last year? A Yes sir.
- Q Were you at her house 'long about last Christmas? A Yes sir, I was there about last Christmas.
- Q She comes to your house frequently does she? A Yes sir.
- Q She and your wife visit back and forth I guess do they? A Yes sir. Yes sir, sisters.
- Q During September and October and the first part of November of last year did you see Minnie frequently? A Yes sir.
- Q Did she at that time have the appearance of a woman who was about to give birth to a child? A Not to me.
- Q You are a man of a family are you? A Yes sir.
- Q If she had been in that condition would you have noticed it? A Yes sir.
- Q Now you have seen her and talked to her during last December and along about Christmas, and since that time have you? A Yes sir.
- Q About how often did you see her from the first of last November until the first of this last March? A Why I guess I would see her about every week or two weeks.
- Q Talk to her? A Yes sir.
- Q Were you at her house several times during that time? A Yes sir.
- Q Now from December until the first of this last March did you ever see a young baby there at her house about a month old? A No sir.

Charley Williams-----6

- Q Did you ever hear her say anything to you or anybody else about having given birth to a child last November? A No sir.
- Q If she had given birth to a child on the 20th day of last November do you think you would have known it? A Guess I would; saw her pretty often; my wife saw her pretty often; suppose I would.
- Q Now your wife gave birth to a child on the 24th day of November didn't she? A Yes sir.
- Q Minnie Williams was there was she not? A Yes sir.
- Q When Minnie Williams assisted in waiting on your wife did she say anything to you or to your wife about having given birth to a child four days before that? A No sir, not to me; might have to my wife.
- Q Now Lee do you know of Minnie Williams having given birth to a child either dead or alive any time during last year? A No sir.
- Q Dont know anything about that? A No sir.
- Q Did you hear anything of her giving birth to a child last year? A No sir.
- Q You and Minnie's husband on good terms? A Yes sir.
- Q No ill feeling between you? A No sir, not as I knows of.
- Q Lee have you heard anything about Minnie and her husband trying to get a child on the roll who was never born? A Why I heard some talk of it through the country; of course I never heard anything of it from them.
- Q Who did you hear say anything about it? A I disremember now.
- Q Do you know a preacher's wife by the name of Collins? A Rube Collins?
- Q Yes? A Yes sir, I know him.
- Q Did you hear anything about John and Minnie, or either one of them, trying to get Mrs. Collins to testify about their having given birth to a child last year? A No sir.
- Q Never heard anything about it? A No sir.
- Q Can you give the Commission the name of some one person who you heard say that these people were trying to get a child on the roll that was never born? A I heard John Kendrick say he heard something about it.
- Q Where does he live? A Stays there with Johnnie Williams.
- Q Dont you know of anybody else Lee that you heard talk about this? A Never heard anyone else.
- Q Is this fellow Kendrick down there at Johnnie Williams now? A He made a crop there this year.
- Q Does he live there at John Williams now? A Yes sir.
- Q Lee did you say anything to John about having heard that they were trying to get a child on the roll that never was born? A No sir.
- Q Never said anything to him about it? A No sir.
- Q Ever say anything to his wife about it? A No sir.
- Q Lee when Minnie Williams assisted in waiting on your wife last Fall when your child was born, how long did she stay there at your house? A Stayed that night.
- Q She came there in the afternoon of that day? A Come a little before sundown, and stayed until the next morning.

Charley Williams-----7

A She didnt have my little child there with her, did she?

A No sir.

Q Do you know where she had been just before she came to your house? A No sir.

Q Did you hear her say where she had been? A No sir.

Q Do you know whether she came from home to your house, or from someplace else? A I dont know whether she come from home, dont know where she came from.

WITNESS EXCUSED.

Gera Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 17, 1906, and that the above and foregoing is a true and correct copy of her stenographic notes taken in said cause on said date.

Gera Moore

Subscribed and sworn to before me October 19, 1906.

Edward H. Huprich
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, October 30, 1906.

In the matter of the application for the enrollment
of CHARLES WILLIAMS as a Creek freedman.

APPEARANCE:

JOHN G. LINNER appears for M. J. Mott,
Attorney for the Creek Nation.

MINNIE WILLIAMS, being first duly sworn by Henry S.
Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Minnie Williams.
- Q How old are you? A 26 years old.
- Q What is your postoffice address? A Wybarke.
- Q Creek freedman? A yes sir.
- Q What is the name of your father? A George Scott.
- Q What is the name of your mother? A Ann Scott.

The witness is identified as Minnie Williams opposite
Creek Freedman roll No. 3866.

BY MR. LINNER:

- Q Are you married Minnie? A Yes sir.
- Q What is the name of your husband? A Jammie Williams.
- Q How long have you been married? A I don't know exactly;
think I have been married about nine years I think.
- Q Where do you live now? A I live at Blackstone switch,
two miles north of Wybarke.
- Q How long have you been living there? A Ever since I been
married, about a year after that.
- Q You are a sister of Amalia Sanders are you? A Yes sir.
- Q Also a sister of Bealene Sanders? A Yes sir.
- Q How far do you live from Amalia? A Quarter of a mile.
- Q See her frequently? A Yes sir.
- Q On friendly terms? A Yes sir, her husband and I.

Charlie Williams--2.

- Q You saw each other frequently during last fall did you not?
A Yes sir.
- Q Your sister, Amelia, had a child born to her sometime last fall, did she not? A Yes sir.
- Q Were you present at the birth of that child? A Yes sir.
- Q What is the name of it? A His name is Robert.
- Q Do you know when that child was born? A No sir, don't know exactly the day of the month it was born, it was in November.
- Q Last November? A Yes sir.
- Q Minnie, do you understand the nature of an oath? A Yes sir, I guess so.
- Q Do you know that when a witness holds up her hand and swears before an officer that she will tell the truth, nothing but the truth, then deliberately testify to a falsehood or something that she does not know about at all that she is liable to be imprisoned in the penitentiary, do you know that? A Yes sir.
- Q How many children have you had born to you? A Three.
- Q Give their names please? A Oldest one is George Williams, next is Ida Williams and Charlie Williams.
- Q Charlie? A Yes sir.
- Q How many of these children are living? A Oldest only one; my girl is living.
- Q Ida? A Yes sir.
- Q When was Ida born? A Born the 24th day of, she will be four years old the 24th day of this coming November.
- Q Where was Charlie born? A Born at the place where I am living now.
- Q When was he born? A He was born in November.
- Q What time in November? A Don't know exactly the date of the month he was born; he was born in November.
- Q How long did he live? A He lived, he would have been five months old; he died the 10th of May; he would have been five months old.
- Q Then he lived until the 10th of May? A Yes sir.
- Q Who waited on you when this child was born? A Amanda Davis.
- Q Who else was present? A Amanda Davis, Decie Gaines.
- Q Who was present when the child died? A A woman around there, my husband and a lady by the name of Tennessee Gambels; she lived down there the next house from me.
- Q Are these the only persons that were present when your child died? A Yes sir.
- Q Who attended its funeral? A Rube Collins, he buried it, didn't have any funeral.
- Q Anybody else go with him? A I didn't go to the funeral; my husband went.
- Q Why didn't you go? A I was sick.
- Q How long had you been sick? A I don't know; hadn't been sick so very long; had plagued misery in my back.
- Q Did you have the doctor in that sickness? A No sir.
- Q Your child was five months old? A Would have been five months old same month it died in.
- Q Died the 10th of the month? A Yes sir.
- Q Where was he buried? A It was buried up there at the Marshall graveyard.

Charlie Williams---3.

- Q How far from your house? A About a half mile as near as I could guess at it.
- Q Your sister visited you along last fall after the child was born, didnt she? A Yes sir.
- Q How long was the child sick before it died? A He never was well.
- Q Did you ever have a doctor with him? A Never did have a doctor; give him first one thing and then the other told me to give it.
- Q Did your sister Amelia ever see that child? A Yes sir.
- Q When? A I dont know when; when it was sick she was down there.
- Q How old was the child when your sister Amelia first saw it? A I dont know sir how old it was; I couldnt tell you.
- Q You lived within a quarter of a mile of her? A Yes sir.
- Q Did you send her word when you were down in bed about to give birth to that child? A She was sick too.
- Q The child was a full grown child was it when it was born? A Yes sir.
- Q Was your child born before hers or after hers? A No sir born after hers, my sister Amelia's baby.
- Q How long after hers? A Her baby was about a week older than mine I guess.
- Q You went before a Notary Public and executed an affidavit regarding the birth of this child, did you not? A Yes sir.
- Q How old was the child at the time you executed that affidavit? A I dont know sir, but it was dead before I made out the affidavit.
- Q How long had it been dead? A I dont know sir exactly how long it had been dead.
- Q You made the affidavit before Jesse W. Cooper, a Notary Public, didnt you? A Yes sir.
- Q Sign it by mark and swear to it? A Yes sir.
- Q Did you give the Notary public the correct date of the birth of this child? A No sir, I didnt give him the correct date of the child; I wasnt certain; my husband said he thought my baby was older than Amelia's, but hers was older than mine.
- Q The two children were born not more than a week apart? A Yes sir, her baby was about a week older than mine.
- Q Is this the affidavit which you executed before Notary Public? (Showing the original application filed for the enrollment of this child on May 31, 1906.) Is that the affidavit you signed Minnie? A I dont know sir, didnt read it.
- Q Read it over to you at the time you signed it? A Yes sir, I done signed it first.
- Q And you swore to it? A Yes sir.
- Q Now Minnie dont you know as a matter of fact that you never gave birth to a child last November? A I dont know I did.
- Q Do you swear before this Commissioner that you gave birth to a child on or about the 20th day of last November? A No sir, couldnt swear to the date because I am not certain.
- Q Do you swear that you gave birth to a child at any time last November? A Yes sir, I did.
- Q Do you swear that that child was named Charlie Williams? A Yes sir.

Charlie Williams--3.

- Q And that he was living on the 4th day of March, 1906?
A Yes sir, he was living.
Q Now you are not making any mistake about this are you?
A No sir, not making any mistake.
Q Then, if your sister, who lives only a quarter of a mile from you had appeared before this Commissioner upon the subpoena issued by him and compelled to testify in this case, and she swears that you never had a child last November and haven't given birth to a child for over a year; what explanation have you? A If I hadn't given birth to a child for over a year -- my baby is three years old.
Q Do you mean that your sister did not come because she was compelled to come in order to keep this child from being enrolled? A Her husband said he wasn't going to let her swear for me.
Q And you still insist that you did have a child born to you last November, do you? A Yes sir, I did.

WITNESS EXCORDED.

Gora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 20, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

Gora Moore

Subscribed and sworn to before me December 2, 1906.

H. H. Harris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY,
OCTOBER 25, 1904.

In the matter of the application for the enrollment
of CHARLEY WILLIAMS, as a Creek Freedman.

APPEARANCE:

JOHN G. LIEKER appears for M.L. Hett,
Attorney for the Creek Nation.

G.S. RYLES, being first duly sworn by H.G. Hains, a Notary
Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A G.S. Ryles.
Q How old are you? A Oh I am about twenty-eight or twenty-nine.
Q What is your post office address? A Gibson Station.
Q Are you a citizen of any of the Five Tribes? A No sir.
Q State man? A Yes sir.
Q Do you know John Williams? A Yes sir, I do.
Q What is his wife's name? A Minnie.
Q Know her? A Yes sir.
Q How far do you live from John Williams and his wife?
A As near as I can get at it, about three quarters of a mile.
Q How long have you been living there? A Thirteen years.
Q How long have they been living there where they are living now?
A About eight or nine years, maybe longer than that.
Q Are you related to either one of them? A No sir.
Q Are you on friendly terms with them? A Yes sir.
Q There is no bad feelings between you and John and his wife?
A No sir.
Q Have they any children? A Well they have one.
Q What is its name? A I don't know its name.
Q How old is it? A I suppose it is about four or five years old.
Q Living now? A Yes sir.
Q Do you go to their house frequently? A Yes sir.
Q Did you see Minnie Williams and talk to her during last
fall and winter? A This last fall I did and shortly after
Christmas; the first of February I left and went to Arkansas.
Q Were you there at their house during last fall and winter?
A Yes sir.
Q About how often were you there Sydney? A Well I go there
very often, not often; they had a buggy we rented and hired
we go there and get it, go and hire it.
Q And you saw Minnie Williams at that time?
Q Talked to her? A Yes sir.

Charley Williams--2.

BY MR. LIEBER:

- Q During the early part of last November along the last of October, did she have the appearance of a woman who was about to give birth to a child? A No sir.
- Q Did they have any little baby there at their house along the latter part of November, December of last year?
- A If they did I never seen it.
- Q You were at the house several times, were you not Sydney?
- A Yes sir.
- Q If the child had been there don't you think you would have known something about it? A Yes sir.
- Q Neighbors with these people? A Yes sir.
- Q Married or single? A I am single now, I have been married.
- Q What size of a house have these people got, Sydney?
- A They have got a three room house, two rooms, twelve by fourteen.
- Q If they had a little baby during November and December of last year and January of this year, do you think you would have seen it? A Why, I am quite sure I would.
- Q Ever see any baby there at that time? A No sir.
- Q Ever hear them say that they had a child born to them last fall? A No sir.
- Q You have heard that they claimed they had a child born, haven't you? A No sir, not until lately.
- Q Sydney, if these people had had a child out there during last spring, you think you would have known it? A Yes sir; I would have known it through my people; you know I wasn't at home last spring.
- Q Never heard your people say anything about it? A No sir.

BY THE COMMISSIONER:

- Q Last fall here did you ever stay at their house? A No sir.
- Q Well when you would be there how long would ^{or not} be there to stay?
- A Sometimes stayed two or three hours, never would be there at night.
- Q Ever take a meal there? A No sir.
- Q During that time, were you in every one of those rooms?
- A Yes sir, I have been all over the house.
- Q And never saw a child during that time in any of those rooms?
- A Only one they got now.
- Q What is that child's name? A I don't know.
- Q Boy or girl? A Boy.
- Q You came here to day in obedience to a subpoena served on you by the Creek Nation? A Yes sir.
- Q You haven't anything to gain either way have you by testifying?
- A No sir, when he, this man, (meaning Mr. Walkup) asked me about it, I told him I didn't know anything about it, I was compelled to tell the truth, wouldn't tell no story about it at all.

Witness excused.

Charley Williams--3.

ELSIE TURNER, being first duly sworn by Henry G. Hains,
a Notary Public, testifies as follows:

BY MR. LEEBER: --

- Q What is your name? A Elsie Turner.
Q How old are you Elsie? A About 51.
Q What is your postoffice address? A Wybark.
Q Citizen of the Creek Nation? A No sir.
Q State woman? A Yes sir.
Q Do you know John Williams and his wife Minnie Williams?
A Yes sir.
Q How long have you known them? A Been knowing them about
fifteen years, but I stayed with them, they lived on a farm
three years.
Q Last three years? A Yes sir.
Q How close do you live to their house? A I dont know. I cant
tell how far, it was in that little old log house.
Newt Chandler stayed in.
Q In talking distance? A Yes sir, I could call her.
Q See her house from where you lived? A Yes sir.
Q How long have you been living that close to her? A Three
years.
Q The last three years? A Yes sir, I dont live there now.
Q When did you move away? A Last going February.
Q But you did live that close to her last winter, last fall
and up to February this year? A Yes sir.
Q Pretty well acquainted with them Elsie? A Yes sir.
Q Are you on friendly terms with them, A Yes sir, I was friend-
ly with them.
Q No hard feeling between you? A No sir.
Q Are you related to either one of them? A No sir, no kin
at all.
Q Do you know how many children they have got Elsie? A She
aint got but one.
Q Know its name? A Yes sir.
Q Give it please? A Ida.
Q How old is Ida? A Ida be four years old sometime I think
the 24th of next month.
Q Are you a married woman? A Yes sir.
Q Have they had any children since Ida was born? A Not as
I know of.
Q Have they had any children during the time that you lived
that close to them? A Not as I know of.
Q If they had had a child during that time Elsie dont you
think you would have known it? A I should have known it;
went there often enough to see it.
Q You visited them frequently did you? A Yes sir.
Q Went to the house often? A Yes sir.
Q Talk to Minnie and her husband? A Yes sir, they come to
my house and sat down and talked.
Q Did you see Minnie, talk to her frequently during last fall,
September, November of last year? A Yes sir.
Q And see her and talk to her? A Yes sir.
Q And see her and talk to her? A Yes sir.

Charley Williams--4.

- Q And during that time Minnie, during last September, October and the last part of November, did she have the appearance of a woman who was about to give birth to a child? A Not as I know.
- Q If she had been in that condition you would have noticed it wouldn't you? A Of course I would.
- Q If she had a child born to her on the 20th day of last November, think you would have known it? A Yes sir.
- Q You never heard of her having a child born to her on last November? A Never heard of it.
- Q Have you ever heard of her having a child born during the last year? A Never heard of it.
- Q If she had had a child to die at her house during this last spring, you think you would have known it? A I ought to have known it.
- Q How far do you live from her now? A About a mile.
- Q Have you ever heard of her having a child that died last spring? A Not as I knew of it.

WITNESS EXCUSED.

NEWTON CHANDLER, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Newton Chandler.
- Q How old are you? A 45.
- Q What is your postoffice address? A Wybark.
- Q Are you a statesman or citizen? A Statesman.

BY MR. LEEKER:

- Q Do you know John Williams and his wife, Minnie Williams? A Yes sir.
- Q How long have you known them Newton? A I have been there last April going on this next spring two years.
- Q How close have you been living to them during that time since last April a year ago? A Well I guess about as far as across the street to that brick building (about 150 or 200 yards).
- Q Newton did you live with them in their house? A Little while.
- Q When was that? A That was last fall.
- Q This last fall of last year? A Yes sir.
- Q During what months Newton? A Fall & winter.

Charley Williams--5.

might be my reasons are I have been in circumstances for you all have held me down and got me in it; I cant keep my regular mind; it is impossible for me to do it for me to appear.

Q What have we been doing to you? A I dont do too much talking (Shakes his head and draws his hand across his throat).

Q Now Newton you mean to intimate that these people mean to do something to you because we called you to come over here and testify? Tell us what you mean to say when you draw your hand across your throat? A I tell you the truth; I aint afraid of nobody.

Q You did live with them though Newton during the fall last year? A Yes sir.

Q In what months? A It was in the fall 'long, I couldnt exactly estimate that.

Q How long did you live with them in their house? A I guess about a month.

Q Well was it corn gathering time? A Long before that, I believe about in this month.

Q What is this month? A October I believe.

Q You think it was in October of last year? A Yes sir.

Q Have you ever been married Newton? A Yes sir.

Q Raise a family? A No sir.

Q Well during the time that you stayed there at their house last fall did Minnie Williams have the appearance of a woman who was about to give birth to a child, did she look like a woman who was about to give birth to a child? A Well so far as that it was so said; from what I could see myself she looked so; I am a single man and am proud of it.

Q Did she appear to you like a woman who was about to give birth to a child? A That is right, yes sir.

Q Well, do you know whether she did give birth to a child any time last fall or winter? A I didnt pay much attention; I heard some talk of it, but I didnt know.

Q Who did you ever hear say anything about it Newton, about her having a child there last fall? A Well I couldnt say any certain one. All in a crowd that was both women and men; walking around, I heard them talk, just go right out and what it was I couldnt say.

Q You were there at their house frequently during last winter were you not? A Yes sir.

Q You are on friendly terms with them arent you? A Oh, yes sir.

Q You talked to John and his wife both frequently didnt you? A Well I couldnt say that; I was off from them sick and didnt see them.

Q Well how long was you sick? A Four or five months.

Q When? A This last fall.

Q Last year? A Yes sir.

Q When did you get up? A Long in the spring; before that I didnt get up; nerves felt like I could work.

Q When was it you got up, was it you felt like you could work? A Long last January or February commenced feeling like I could work.

Q Late in the winter? A Yes sir.

Q Where were you when you were sick, where were you staying? A I was staying at a house right east of Johnnie Williams about two miles.

Charley Williams--6.

Q Were you at the home of John and Minnie Williams any time during last January and February? A Been right there, there yet.

Q Were you in their house during that time along last January and February, were you in their house? A No sir, I couldn't say that.

AS soon as you got up so you were able to go around didn't you go up there and visit them? A Yes sir.

Q Ate some meals there didn't you Newton? A Yes sir.

Q Neighborly with these people wasn't you? A Yes sir.

Q Now when you commenced to get stout enough to walk around you would go up to their house? A Yes sir, sometimes.

Q Now you would go to the house and stay several hours wouldn't you Newton? A Yes sir, that is right.

Q Did you ever see a little baby there last January, February and March when you went up there to the house to see these people? A No sir, couldn't say that.

Q Now Newton if there had been a little baby there two or three or four months old you would have known it wouldn't you? A I guess so.

Q Did you never see any there? A Whenever such circumstances as that I never go around.

Q If there had been a little baby there last spring, during last January, February and March, don't you think you would have known it and seen it there? A That is a hard question.

Q Don't you think you would have known it and seen it there, your having visited the house of these people? A You see long that time it was cold and rough and I stayed close.

Q But you did go up there and see them though? A You see it would be three or four weeks, you see, go to the house, and sometimes I wouldn't, because he has a pretty bad talk there.

Q But you were at the house just when you were beginning to go around? A Yes sir, ever two or three weeks.

Q But you did stay there two or three hours would you not? A Met him in the lot, talk two or three hours.

Q Talk to his wife wouldn't you? A She was in the house.

Q You mean to say that in last January or February or March you were not in the house? A I couldn't say that.

Q Isn't it a fact that you took meals with them, ate some meals with them as a neighbor during last January, February and March? A I told you what child it was.

Q When you was getting so you could get around and wasn't able to work there yet you visited these people didn't you? A I worked many a day, days when I wasn't able to at all.

Q You stated a while ago that you was sick last winter about three months and that long in the spring your nerves began to feel all right and you went to work? A Yes sir.

Q Now Newton you didn't get right out of bed and go to work, you lingered around several days, how long? A About a week; come down to Wybark to Cal Collins.

Q During the time that you were lingering around there not sick enough to be in bed, and not well enough to work, didn't you go up to see John Williams and his wife? A I hadn't no time to fool much with anybody. I had to keep down out of the cold; I didn't have time to fool with anybody.

Charley Williams--7.

- Q You said that you went to Wybark; now that is much farther?
A I be there at the house.
- Q You were in the house last winter, werent you? A Yes sir, during the winter.
- Q You were in their house last winter werent you? A Not all winter.
- Q You say you were in their house last winter werent you?
A Yes sir.
- Q You took some meals at their house sometime last winter didnt you? A Yes sir.
- Q You didnt get up from the table and scoot away from the house did you; you stayed there like a polite man would and do and talked? A Yes sir.
- Q During the visits you made there at that house last winter and during the time that you took meals at their house last winter, did you ever see a little baby there two or three or four months old? A Didnt I tell you just now that I didnt.
- Q Now Newton if they had had a baby there during the time that you visited them last winter and took some meals there at their house, dont you think you would have known it, that they would have said something to you about it? A I dont know.
- Q Now Newton you are living on their place now? A Yes sir, I was; you is all talking to me like a sensible man, and now you all is not up to do talking to me like a sensible man.
- Q Now Newton, tell us the truth, did those people have a child there last winter, a little baby, two or three or four months old? A Didnt I tell you that that was a hard thing to say, because I didnt look in the house and look around.
- Q You know that you never saw a child there a few months old during last fall did you, two or three or four months old, you never saw a child that age there did you, an infant?
A No sir.
- Q You say you are renting from them now? A Yes sir.
- Q You have always gotten along well with them now havent you Newton? A No answer.
- Q You have been there how many years on their farm? A Two years next spring.
- Q And you would like to stay another year wouldnt you? A That is not known to any human here, I wouldnt promise that.
- Q I asked you if you would not like to stay another year?
A I am going to speak the truth to you on that; I have to stay because I am in debt to them.
- Q What I mean is this, you would like to stay on John Williams' place next year would you not? A I wont say "like to stay", I say I got to stay.
- Q Have you got a contract to stay next year? A No I aint.
- Q If you got to stay on anybody else's place in that neighborhood you would just as soon stay on John Williams' place?
A Yes sir.
- Q Any ill feeling between you? A No sir.
- Q But now you are a little afraid Newton if you should testify too strong in this case that they might not rent to you next year arent you? A

CHARLEY WILLIAMS - 6.

Q They were going on here one day last week that I must be. Didnt me and I am proud of it.
Q When did you move into the house that you are living in now? A After Porter Turner moved out I moved in.
Q Elsie Turner? A Yes sir.
Q Move in the same day? A On no.
Q Couple of days? A A week or something.
Q Something like a week? A Yes sir.
Q Been living there all this year? A Yes sir.
Q Or ever since you moved in? A Yes sir.
Q Never had a baby around that place two or three or four months old this year? A No sir.

WITNESSES:

TIMOTHY RANDOL, being first duly sworn by Henry S. Hains, a Notary Public, testifies as follows:

IN THE COMMONS

Q What is your name? A Fannie Gambel.
Q How old are you? A 28.
Q What is your postoffice address, where do you get your mail? A Wytheok.
Q Are you a state woman? A Yes sir.
Q Do you know John Williams and his wife? A Yes sir.
Q What is her name? A Minnie.

BY THE COURT

Q How long have you known them? A Oh, I have known them
been acquainted with them pretty good, visited them pretty
regularly just since Christmas, been looking them up,
personally acquainted with them for about thirteen years.
Q How close have you lived to them since last Christmas?
A. I live real close to them now.
Q How close? A Pretty close.
Q About a quarter? A No longer.
Q More than a quarter? A About a quarter.
Q In walking distance? A Yes sir.
Q Are you related to them in any way? A No sir.
Q What is their name? A Oh yes sir.
Q What is your name? A No sir, Sam Hart, you know, they
don't know me, I don't want to tell them, I
don't want to tell them, I don't want to tell them.

Charley Williams--9.

- Q Did you see Mrs. Williams during last fall? A No sir.
- Q Were you at her house frequently during last January and February and March? A I was over frequently in February and March; didnt go there much in January.
- Q But you were there in January frequently were you not? A Yes sir.
- Q Talk to Mrs. Williams? A yes sir.
- Q Stay there in the house and have a neighborly chat did you? A Yes sir.
- Q How long did you stay at the house? A Sometimes fifteen or twenty minutes, sometimes an hour.
- Q You visited her just as neighbors would didnt you? A Just as neighbors would.
- Q When you visited there last January, February and March did you see any little baby there about two or three or four months old? A No sir.
- Q Did you ever hear Mrs. Williams say she had a baby there about that date? A No sir, never heard her say.
- Q Did you ever hear of a child having died at their house during last spring? A No sir, never heard of it at all.
- Q Do you think that they could have had a child to die at their house during last spring, about April, and you not know anything about it? A It dont seems like I could if they had one; it was very, I never heard anything about it.
- Q Never heard Mrs. Williams say she had a child there in the house? A No sir.
- Q Never heard it cry? A No sir, never heard it cry.
- Q Did you ever hear of Mrs. Williams having a child born dead during last fall or winter? A I wasnt here last fall; I was in Kansas last fall.
- Q I say did you ever hear of it? A No sir, I never heard.
- Q Now when you visit there at their house you sometimes go all through the house wouldnt you? A Yes sir, sometimes I go all through the house.
- Q Havent but three rooms to the house? A That is all.
- Q If there had been a little baby you would have seen it or heard it? A I guess I would have heard it; never saw any.

BY THE COMMISSIONER:

- Q You r reason for coming in today was because Mr. Walkup for the Creek Nation served a subpoena on you is it? A Yes sir.
- Q It is nothing to you, one way or the other? A No sir, nothing to me at all.

WITNESS EXCUSED.

Charley Williams---10.

NEWTON CHANDLER, recalled, testifies as follows:

BY MR. LEECHER:

- Q Did you ever hear of Minnie Williams having a child any time last fall? A Yes sir.
- Q Who told you that Newton? A John Williams.
- Q What did he say about the child? A Well he just told me that his wife had birthed one.
- Q Well, did he say whether it was living or not? A I think he said it didnt live long.
- Q The father when he told you that the child was already dead, wasnt it? A I couldnt say.
- Q Well, just give the conversation that you did have with him? A I was plowing; he come where I was; he was telling me; I didnt pay no attention to him.
- Q Just think what he said, just give the words if you can? A He told me his wife had birthed a baby; I said "that so"; he said "yes"; I just went right on, never paid no attention to him.
- Q Never asked him if it was a boy or a girl? A Never asked him.
- Q Was you staying there at the house at that time? A No sir, I wasnt; I was staying there at the house that Bivens is in now.
- Q Was it after that time, after John told you that, that you stayed with John and his wife for about a month at their house? A I dont know; I couldnt tell you.

BY THE COMMISSIONER:

- Q You have been to their house lots of times since John told you that about a child being born to Minnie? A I have been there.
- Q You have never seen that child have you? A I told you I didnt.

BY MR. LEECHER:

- Q Did you know anything about when the child was buried Newton or where it is buried? A No sir.

WITNESS RECUSED.

John Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause

Charles Williams--11.

on October 22, 1904, and that the money was deposited in
a bank and complete transfer of all rights and interest
therein to said bank on said date.

Witness my hand and seal of office on October 22, 1904.

Charles Williams
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Washoe, Indian Territory, October 30, 1906.

In the matter of the application for the enrollment
of CHARLIE WILLIAMS as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears for H. L. Mott,
Attorney for the Creek Nation.

AMANDA COLLINS being first duly sworn by Henry G. Hains,
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Amanda Collins.
Q How old are you Mandy? A 39.
Q What is your postoffice address? A Wybark.
Q Do you know Minnie Williams? A yes sir.
Q What is her father's name? A I dont know.
Q Do you know what her name was before it was Williams? A No
sir.
Q How long have you known her? A Aboutten years.
Q Give the name of her husband? A John Williams.
Q Have you known her ever since she was married? A No sir,
she was married when I come to this country.

BY MR. LIEBER:

- Q How close do you live to John Williams and his wife, Minnie?
A About a mile I reckon.
Q How long have you lived that close to them? A About ten years.
Q Are you related to either one of them? A No sir.
Q Well acquainted with them? A A little, not much.
Q Are you on friendly terms with them? A Yes sir.
Q Do you see Minnie Williams frequently? A Yes sir.
Q About how often have you seen her during the last year? A Well
couldnt say because I never kept no count of that.
Q Well, did you see her an an average of once a week or two
weeks? A No sir.

Charlie Williams-----2

- Q See her once a month? A No sir, I know I didnt, I didnt see her regular.
- Q Ever been to her house? A About once in seven or eight years.
- Q When was that? A That was here last fall.
- Q Fall of last year? A Yes sir.
- Q About what time in the fall was it? A I dont know, I never kept no count of that, I dont know what time it was, know it was in the fall.
- Q How long did you stay there? A About a half hour.
- Q In the house were you? A Yes sir.
- Q Well, did you see any little baby there in the house when you were there last fall? A No sir.
- Q Do you know what month it was you were there? A No sir.
- Q Are you a married woman? A Yes sir.
- Q Got a family? A Yes sir.
- Q When you was at Minnie's house last fall, did she have the appearance of a woman who was about to give birth to a child? A Not to me she didnt.
- Q If she had been in that condition you would have noticed it wouldnt you? A I guess I would.
- Q You generally notice those things dont you? A Sometimes I do, and sometimes I dont.
- Q You do among your friends, dont you? A I dont know nothing about that baby they got, I dont know nothing about it.
- Q You are pretty well acquainted with John too, aint you? A Yes sir.
- Q How long have you known John? A Oh about ten years, about like I do her.
- Q Did John Williams ever have a talk with you about being a witness for this child? A Yes sir, just for a few minutes.
- Q Now, Mrs. Collins, just tell the Commissioner what John said to you? Well, it wasnt very much of a conversation, only he and Mr. Walkup come up there, come in the kitchen where I was and asked me if I would not state he had a child; I told him I didnt know nothing about it; he says; you can say so, it wont hurt you": I said "no, I dont know nothing about it"; so that is all he ever said to me about it.
- Q Did he offer you anything to testify that they did have this child? A No sir.

WITNESS EXCUSED.

RUBE COLLINS, being first duly sworn, by Henry G. Hains, a Notary Public, testifies as follows:

BY MR. LIEBER:

- Q What is your name? A Rube Collins.
- Q What is your postoffice address Rube? A Wybark.
- Q How old are you? A 42.

Charlie Williams-----3

- Q Do you know John Williams and his wife Minnie Williams?
A Yes sir, I know them when I see them.
- Q How long have you know them? A Between nine and ten years.
- Q How close do you live to them? A Oh, something less
a mile I guess.
- Q How long have you lived that close to them? A Well, they
been down there two or three years, or four, dont know
how long they been there, been around Wybark ever since I
been there, been there ten years.
- Q Have you known them ever since you have lived near them that
long? A Yes sir.
- Q Ever been at their house? A Last November, long about
November.
- Q How long did you stay there, Rube? A Stayed there for a day,
building a flue.
- Q Do you know what time in November that was? A Dont know
what time, it was about November; weather got cool, about
November.
- Q You saw Minnie there at that time, did you? A Yes sir, I
saw her.
- Q You are the husband of this lady who just left the stand?
A Yes sir.
- Q What is your profession, your occupation? A I have two or
three; carpenter some, farm some and lay brick some.
- Q Are you a preacher? A Yes sir, sort of so.
- Q Now when you saw Minnie Williams last fall when you was building
that flue, did she have the appearance of a woman who was
about to give birth to a child? A She was in bed sick; I
dont know how she was.
- Q Well, were you at their house during last winter? A Last
time I been there.
- Q Did you see Minnie long during last winter and talk to her?
A Well I dont know as I seen her and talked to her; guess
I have seen her, dont know how many times I have seen her;
she absolutely dont come to my house.
- Q Do you know anything about them having a child born at
their house last winter? A No sir.
- Q Do you know anything about their having a child die at their
house last spring? A You mean my knowing it dont you?
- Q Yes? A No sir.
- Q Did you know if they had, as a matter of fact, a funeral
at their house last spring? A No sir.
- Q You dont know anything about that? A No sir.
- Q Do you know of their having a child to die at their house
last spring? A No sir, dont know that.
- Q Well have you heard of their having a child born to them
last winter? A I have heard it several times.
- Q When did you first hear it? A I dont know; it has been
four or five months.
- Q Do you know who told you about it first? A No I really
dont know.
- Q How did you happen to hear about it Rube? A Dont know how,
rumor through the country, different people talking.
- Q Did you hear of their having a child to die at their house last
spring? A Heard they did; dont know it to be the truth.

Charlie Williams-----4

- Q Do you know who told you? A No sir.
Q Do you know when you first heard they had lost a child--died?
A About five months ago.
Q You heard about the birth and death at the same time? A No sir.
Q The birth? A No sir, five months ago.
Q I asked you about the death? A I heard that along this spring.
Q Do you know who told you that Collins? A I can't remember who tells me things, such little things as that never.
Q Have you heard anything about their trying to get a child or the roll not entitled to be there? A Yes sir, I heard that.
Q When did you first hear that Collins? A I heard that maybe a month ago, three weeks something like that. That man (meaning Mr. Walbur) passed through there; of course he never said nothing to me; heard he was looking it up.
Q Did you ever have a talk with John or his wife about this child? A No sir.

WITNESS EXCUSED.

Gora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on October 30, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

Gora Moore

Subscribed and sworn to before me November 3, 1906.

H. H. Harris

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charley Williams, deceased, as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on May 31, 1906, application was made, in affidavit form, supplemented on October 17, 1906, October 20, 1906, October 28, 1906, and October 30, 1906, by oral testimony for the enrollment of Charley Williams, deceased, as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906.

There is a discrepancy in the evidence as to the name of the alleged applicant. The affidavits give it as Charley William, but it appears from the testimony and from the records of this office that it should be written Charley Williams.

The affidavits constituting the application, state that said Charley Williams was born November 20, 1906, and was living March 4, 1906, and was the child of John Williams and Minnie Williams. The name of Minnie Williams appears opposite No. 3866 on the approved roll of Creek freedmen. John Williams appears to be a non citizen.

There is a conflict in the evidence as to the birth and existence of the said Charley Williams. Minnie Williams testified that he was born in November, 1906, and died May 10, 1906. Newton Chandler, an unmarried man, testified that he saw Minnie Williams just prior to the time of the alleged birth and that she appeared to be pregnant. He also testified that he was informed by John Williams that Minnie had given birth to a child, but that he was often at the house thereafter and he never saw a small child there. His conduct on the stand seemed to suggest that he stood in fear of John Williams and he stated that he was living on the land of Williams and was in debt to him.

Rube Collins testified that he heard in the fall that Minnie Williams had borne a child and in the spring that the child had died.

All the other witnesses were neighbors or relatives and they testified that they had known and heard nothing of such a birth as alleged and that they have been frequently at the Williams house and would have known of it had such occurred. Amanda Collins stated that John Williams tried to persuade her to testify that such a child had been born.

Amelia Sanders, sister of Minnie Williams, testified that on November 24, 1906, she herself, bore a child and that said Minnie Williams was present but she had no appearance of pregnancy nor did she make any allusion to having recently had a child.

There is no evidence whatever, but bearing, to substantiate the prima facie case established by the Affidavit of the midwife and the affidavit testimony of the father. The negative testimony of so many witnesses who are in a situation to know of such an event had it occurred, together with the general character of the witness testifying to said alleged birth, is sufficient to outweigh all of said affirmative evidence.

The Commissioner believes that it is established by a preponderance of the evidence that no child was born to the said Minnie Williams at the time alleged and that such a person as is described in the application never existed.

It is, therefore, ordered and adjudged that there is no authority of law for placing upon the roll of Creek Freedmen the name Charley Williams and the application to have said name placed thereon is accordingly denied.



Commissioner.

McKoskee, Indian Territory,

FEB 11 1907

Cr. En. 1095.

Muskogee, Indian Territory, February 14, 1907.

Minnie Williams,

c/o John Williams,

Wybark, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Charley Williams, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM-63.

Cr. En. 1098.

Muskogee, Indian Territory, February 14, 1907.

M. L. Metz,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Chankey Williams, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-54.

Cr.M.1008.

Mustoge, Indian Territory, February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Charley Williams, deceased, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-55.

Through the Commissioner
of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

Land
16582-1907.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir :--

There is enclosed the record of proceedings in the matter of the application for the enrollment of Charley Williams, deceased, as a Creek freedman, including the decision of Commissioner Bixby dated February 11, 1907, adverse to the Applicant.

The decision of Commissioner Bixby has been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

EBM-Ph.

J.P.
O.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LES.

March 4, 1907.

I. T. D.

6134, 6144, 7028, 7054-07.
7120, 7226, 7230, 7236-07.
7238, 7248, 7252, 7260-07.
7336, 7340-07.

DIRECT

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed. Copies of
Indian Office letters submitting your reports and recommending
that the decisions be affirmed are inclosed.

Title of Case.	Date of your Letter of Transmittal.
Henry Lowe,	February 16, 1907.
Mary Rogers, deceased (Freedman),	February 18, 1907.
Helen Primer (Freedman)	February 21, 1907.
Charley Williams, deceased (Freedman)	February 14, 1907.
Clarence Bruner (Freedman)	February 23, 1907.
Maria Sears,	February 23, 1907.
Homer Whitsell, (Freedman),	February 23, 1907.
Emma Mason, et al (Freedman),	February 2, 1907.
Leanna Johnson, (Freedman)	February 4, 1907.
Anna Charlesey, deceased,	February 12, 1907.
Rose Bell Drew (Freedman)	February 13, 1907.
Hubert Humphreys (Freedman)	February 14, 1907.
Little Deeter, deceased,	February 14, 1907.
Leonard Davis, (Freedman),	February 21, 1907.

A copy of all the papers in the above mentioned cases have
been sent to the Indian Office.

Respectfully,

E.A. Klimesch
Secretary.

14 inc. and 23 inc.
for Ind. Of.

Gr. No. 1098

JVM

Muskogee, Indian Territory, March 18, 1907.

Minnie Williams,

John Williams,

Wynark, Indian Territory.

Dear Madam :--

You are hereby advised that under date of March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Charley Williams, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1096

CR EN 1096

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY.
SEPTEMBER 22, 1904.

N.B.P. 235.

In the matter of the application for the enrollment of
William Perryman as a Creek Freedman.

APPEARANCES: John G. Lieber acting for H. L. Nett, attorney
for Creek Nation.

Paulina Montgomery, being first duly sworn by Henry G. Hains
Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Paulina Montgomery.
Q: How old are you? A: 21.
Q: What is your post-office address? A: Wybark.

Questions by John G. Lieber, acting attorney for Creek
Nation.

- Q: Do you know Hughay Perryman and Mattie Perryman his wife?
A: Yes sir.
Q: How long have you known them? A: I ain't much acquainted
with them, Hughay and Mattie.
Q: Well how long have you known them? A: About a year.
Q: How close y'do you live to them? A: About a mile.
Q: Do you see them frequently? A: No sir.
Q: How often have you seen them this year? A: I seen Hughay
several times, I ain't seen Mattie much.
Q: Have you been in their house this year? A: No sir.
Q: Haven't been there at all this year? A: No sir.
Q: How many times have you seen Mattie this year?
A: I don't know two or three times.
Q: Has she any children? A: Yes sir.
Q: How old is her youngest child? A: I don't know sir.
Q: Well has she got a little baby that is 5 or 6 or 7 months
old? A: She had a baby, I don't know how old it is.
Q: Do you know about when that baby was born? A: No sir I
don't.
Q: Was it born sometime this year? A: Yes sir.
Q: Was it born in the winter or in the spring?
A: I don't know what time it was born but it was born this
year.
Q: Will did you see her shortly before the child was born?
A: No sir.
Q: Have you ever since her said she called? A: Yes sir.
Q: When did you last see her with the child? A: I don't know.

Q: Where? A: Coming from church.
Q: About how old did the child look to be?
A: She had it wrapped up, I never looked at it.
Q: Did it have on long dresses? A: Yes sir.
Q: Have you ever seen the child at all? A: No sir.
Q: Did you see Mattie shortly before the child was born?
A: No sir.
Q: Did you ever hear her say when the child was born? A: No sir.

This is all the evidence taken in said cause on said date.

I, Julia C. Leval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Leval

Subscribed and sworn to before
me this 15 day of October, 1906.

Edward Merrick
Notary Public.

REV. 225.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
SEPTEMBER 29, 1904.

In the matter of the application for the enrollment of
William Perryman, as a Creek Freedman.

Appearances: J. G. Lieber, representing M. L. Holt, Attorney for
the Creek Nation.

HUGHES PERRYMAN, being duly sworn by H. G. Hains, a Notary
Public, testified as follows:

Examination by the Commissioner.

Q What is your name? A Hughes Perryman.

Q What is your age? A 27.

Q What is your post office address? A Wybar.

Q You are a Creek Freedman, are you? A Yes sir.

Q What is the name of your father? A Lewis Perryman.

Q What is the name of your mother? A Sadie Perryman, she is a
ward now.

By Mr. Lieber.

Q What is the name of your wife? A Hattie Perryman.

Q Have you any children? A Yes sir, I have three.

Q What is the name of your youngest child? A Gertrude.

Q When was she born? A She was born on the 19th day of August.

Q This last August? A Yes sir.

Q Then the child is now a little more than a month old?

A Yes sir, five or six weeks old I think.

Q Did your wife have a child born to her on the 15th day of last
January by the name of William Perryman? A No sir.

Q She executed an affidavit before James V. Cooper, a Notary Public
on May 30, 1904, in which she stated she had a child born to her
on the 15th day of January, 1904, that the child had been named
William Perryman, and was living on March 4, 1904; State to the
Commissioner the circumstances in which your wife made that affir-
avit?

A The way it came up this affidavit was made—James Cooper came
to our house on the day of the burying of Johnnie Brewster, he
came into our house and said "Howdy" and I said "Howdy"; I was
well acquainted with him. He said it seems you people are about to
have a young Creek here, and he says I am here for that purpose;
that is my business; for this year 1904 I am getting all these
children on the roll, no matter whether they be born in this
year, why I will get it on the roll for you. Says if you pay me
\$75 I will get your child on the roll; says, all you will have to
do is to sign a contract with me saying you will pay me \$75 to get
your child on the roll. Well we told him it was alright, and he
said I will write the contract, and all I want for you is to
sign it. I will see that your child gets on the roll and we said
alright. He then written out his contract and we signed it. At
this time old lady Hattie came in to see the federal, she lived
just a short distance from our house and she was well acquainted
with us. She came and saw us at the house where we were.

and she was there and he got her to sign this contract that we promised to pay him \$75 for getting our child on the roll, and after he got her to sign, then the thing was all over.

Q Who gave the name of the child as William Perryman?

A That's his name himself--he gave the name; he asked us what we will name the baby; we said we won't name the child until after it is born and he said well I will go ahead and give it a name myself.

Q Did Maggie Winn sign that paper in your presence? A Yes sir.

Q And there at your house? A Yes sir.

Q Who acted as midwife for this child that your wife has now when it was born? A There was a woman by the name of Deey Gainer.

Q Maggie Winn never acted as midwife for this child, did she?

A No sir.

Q Then the affidavit she signed in here before the Commissioner and filed on the 31st day of May, 1906, saying that your wife had a child born to her on the 15th day of January, 1906, is untrue is it? A Yes sir, it is untrue.

Henry H. Hains, being duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes as taken in said case on said date.

Henry H. Hains

Subscribed and sworn to before me this 2nd day of October, 1906,

Walter W. Chappell

Notary Public,

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.

SEPTEMBER 29, 1906.

In the matter of the application for the enrollment of
William Perryman as a Creek Freedman.

NOV. 238

Continuance of testimony taken by Henry G. Hains, as
follows:

Hattie Perryman, being first duly sworn by Henry G. Hains,
a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Hattie Perryman.
Q: How old are you? A: 21 years old this coming December.
Q: What is your post-office address? A: Wybark.
Q: Are you a Creek Freedman? A: Yes sir.

Questions by John G. Lieber acting for M. L. Mott, attorney
for Creek Nation.

- Q: Are you the wife of Hughey Perryman? A: Yes sir.
Q: Is that your child you have in your arms?
A: This here, yes sir.
Q: What is the name of that child? A: Gerine Perryman.
Q: Is it a girl? A: Yes sir.
Q: When was that child born? A: She was born the 19th. day of
August.
Q: This last month? A: Yes sir.
Q: Do you know Jesse W. Cooper, a Notary Public? A: Yes I
know him when I chum, I see him.
Q: Did you appear before him or did he come to your house
sometime during last summer and have you make out any
papers relative to the birth of the child?
A: Yes sir, he came to my house.
Q: Did you have a child born to you on the 18th. day of
January 1906 by the name of William Perryman? A: He sir.
Q: Is that your signature, Hattie? A: Yes sir.
Q: That is the way you sign your name, isn't it? A: Yes sir.
Q: You signed that paper didn't you? A: Yes sir.

(Witness is shown an application for the enrollment of
William Perryman filed before the Commissioner on
May 31, 1906.)

- Q: State to the Commissioner the circumstances under which
that affidavit was made?

- A: Well he came there and I was there, this child wasn't born yet, and he said I see you are about to have another Creek, and I said yes, and he said you all had better let me put it on the roll, he said I am around and putting all such as them on the roll, and he said if you all make me a contract I will put him on the roll for you and for me to pay him Seventy-five Dollars and I told him all right, and he made out a contract for it.
- Q: Who was present when he made that statement to you?
- A: Well just the three of us was there, Maggie Wyn was there and my husband.
- Q: Who acted as midwife for you when this child which you have in your arms was born? A: Docie Gains.
- Q: Did Maggie Wyn ever act as midwife for you at the birth of ~~the~~ child? A: Yes sir.
- Q: When? A: The oldest child I have had, Alex Perryman.
- Q: How old is Alex? A: He will be 4 years old this coming week.
- Q: Then Maggie Wyn did not act as midwife for you for the child born to you on the 15th. day of last January, did she?
- A: No sir, she didn't.
- Q: Then if the affidavit filed before the Commissioner here says you had a child born to you on the 15th. day of January, 1906, that the child was named William Perryman, and was living on March 4, 1906, it says something that is not true, does it not? A: Yes sir.
- Q: Then your signing of this affidavit and the contract that you say you signed was an attempt to get a child which was not then born on the rolls as a Creek, was it not?
- A: Yes sir, that is the contract he made.
- Q: Did you sign this affidavit in the presence of Cooper?
- A: Yes sir.
- Q: Did Maggie Wyn sign it in his presence?
- A: Yes sir, she signed it as a witness for him.
- Q: Now Mrs. Perryman when you signed this affidavit before Cooper, a Notary Public, did he know at that time that you didn't have a child by the name of William Perryman?
- A: Yes sir he knew it.
- Q: In fact he came there and his conversation with you was to the effect that you should enroll a child which was not then born? A: Yes sir.
- Q: The affidavit states that this was made on the 30th. day of May, 1906, was that about the time he was there at your house? A: Yes sir, I don't know exactly what month it was but I know he was there.
- Q: Was it this year? A: Yes sir, I think so.
- Q: And where ~~did~~ you live? A: I live about a mile and a half from Wybark, I guess.
- Q: West? A: Yes sir.
- Q: Mrs. Perryman did you see Maggie Wyn sign this affidavit?
- A: Yes sir.
- Q: Do you know where she lives? A: Yes sir.
- Q: Where? A: She lives about 2 miles on this side of Tallahassee.
- Q: Do you know the name of her husband? A: Yes sir, Wyn is all I know, I don't know what his other name is.

Maggie Wyn, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Maggie Wyn.
 Q: How old are you? A: I don't know, I was born in time of the war, I don't know a thing about my age.
 Q: What is your post-office address? A: Haynes.
 Q: Are you a citizen of any of the Five Tribes.
 A: No sir, I am a state woman.
 Q: You are a state woman? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Do you know Hughey Perryman and Hattie Perryman, his wife?
 A: Yes sir.
 Q: Do you know Jesse W. Cooper, a Notary Public? A: No sir, I don't know him.
 Q: You have seen him haven't you? A: Yes sir, I met him once.
 Q: Maggie, I show you an affidavit made before Jesse W. Cooper, a Notary Public on the 30th. day of May, 1906, state whether or not that is your signature to that affidavit?
 A: Well what is that affidavit for?
 Q: Is that your signature, that is what we want to know first?
 A: Yes I wrote that, as a contract.

Witness is shown an affidavit signed by Maggie Wyn, filed in this case on the 31st. day of May, 1906.

- Q: Can you read Maggie? A: No sir, none to amount to anything. It is just all I can do to sign my name, I always have to get someone to do my reading for me.
 Q: Well do you know a child by the name of William Perryman?
 A: No sir.
 Q: Well didn't Hattie Perryman have a child born to her on the 15th. day of last January? A: No sir.
 Q: And you acted as midwife at the birth of that child?
 A: No sir.
 Q: This affidavit states that a child, William Perryman was born to her on the 15th. day of January 1906, that you acted as midwife at the birth of the child and that it was living on the 1 day of March, 1906, does that affidavit state the truth? A: No sir, it don't.
 Q: Then explain to the Commissioner the circumstances under which you signed that affidavit?
 A: Yes sir, must I stand up?
 Q: No, just from where you are.
 A: I will tell you how it come around, I had gone down there for the burying---
 Q: Of whom? A: Johnny Brewster. And so I goes to Hattie's house to sit a while waiting for the corpse, and while I was there this man come in and says to Hattie, "it seems it won't be long before you are going to have a new baby here" and she sort a laughed and he says to her, "you better make a contract with me and I will get it some land" and she said I can't do that, he said "that is my business around through the country, working to get the unborn children some land for the sum of Seventy-five Dollars, and she said

to him, I don't understand nothing like that, and I can't do nothing like that, and he had a paper and he said, "you just sign this, there is no harm in this, no danger whatever, and if there should be, I will be in as much danger as you will be and I will stand betwixt you and all danger", and he asked me, "wouldn't I sign the contract as a witness" and I told him, no sir. I couldn't sign it unless I would see my husband, he was down there for the burying too, and he said to me, "you sign this contract there is no harm in it, I wouldn't persuade you to do anything that would cause you to be in danger, if you get in danger I will be in danger too, and I will stand betwixt you and all danger", and that is why then that I signed it.

- Q: The paper was read over to you before you signed it wasn't it? A: No sir.
- Q: Then you signed a paper without knowing what was in it? A: Yes sir, and Hattie did too, because she was scared nearly to death because she didn't want to sign it.
- Q: But you do know it was signed for the purpose of getting this unborn child on the roll and getting land for it? A: Yes sir, he made mention of that.
- Q: And you signed it with that knowledge? A: Yes sir.

This is all the evidence taken by me in said cause on said date.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval

Subscribed and sworn to before
me this 1 day of October, 1906.

H. G. Davis
Notary Public.

Cr. No. 1096.
MAR. 255.

REC.
JUL.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of William Perryman, as a Creek freedman.

DECISION.

The record in this case shows that on May 31, 1906, application was made, in affidavit form, for the enrollment of William Perryman as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906, (34 Stats. 137). Further proceedings were had September 28 and September 29, 1906.

It appears from the evidence and the records in the possession of this office that the application for the enrollment of William Perryman, was the result of a scheme concocted by one, Jesse W. Cooper, a Notary Public, to secure the enrollment as a Creek freedman of the, at that time, unborn child of Hughey Perryman, a duly enrolled citizen of the Creek Nation, whose name appears on a partial schedule of Creek freedmen approved by the Secretary of the Interior, March 26, 1902, opposite number 3694, and Hattie Perryman, who is not identified as a Creek citizen or freedman.

It further appears from the evidence, that said child was born on the 19th. day of August, 1906, and that it was named Corine Perryman.

It is, therefore, ordered and adjudged that the said William Perryman or Corine Perryman is not entitled to be enrolled as a Creek freedman under the provisions of the Act of Congress approved April 26, 1906, (34 Stats. 137) and the application for her enrollment is such is accordingly denied.



COMMISSIONER.

Washoe, Indian Territory.

FEB 13 1907

Or. En. 1006.

Muskogee, Indian Territory, February 10, 1907.

Hattie Perryman,

c/o Hughes Perryman,

Wybark, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, William Perryman, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM-112

Cr. No. 1096.

Muskogee, Indian Territory, February 18, 1907.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of William Perryman, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-113.

Cr. No. 1906.

Muskogee, Indian Territory, February 18, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of William Perryman, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-114.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON.

Land
18305-1907

March 1, 1907.

The Honorable:

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 23, 1907, transmitting the record relative to the application for enrollment of William Perryman as a Creek freedman. On February 13, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The decision of the Commissioner has been examined and found to be correct and its approval is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner,

JPB-GH

DEPARTMENT OF THE INTERIOR
WASHINGTON.

JP
RSH

I.T.B.

March 4, 1907.

I.T.B. 6940, 6130, 7256, 7257, 7258-1907,
7298, 7310, 7324, 7334, 7342, 7394,
7396, 7398, 7400, 7402, 7406, 7416,
7430, 7432, 7434, 7438, 7438, 7440,
7462, 7468, 7492, 7500, 7506, 7534,
7670, 7702, 7704, 7712, 7720, 7724-1907.

SIXTY.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

SIR:

Your decision in the following Creek citizenship cases adverse
to the applicants are hereby affirmed. Copies of Indian Office
letters submitting your reports and recommending that the decisions
be affirmed are inclosed.

Title of Case.

Date of your
letter of transmittal.

Annis Davis, et al., (freedmen)	February 8, 1907
Mantha Monika Davidson	February 9, 1907
William Perryman	February 18, 1907
Igoral NIBBS,	February 18, 1907
Kiawie (deceased)	February 18, 1907
Mary Perryman (deceased)	February 18, 1907
James Karmay (deceased)	February 20, 1907
Gonetta and Idabell Buntle, (freedmen),	February 20, 1907
Snake,	February 20, 1907
James W. Fendleton, (deceased)	February 21, 1907
Lilly Valentine et al., (freedmen)	February 20, 1907
Frank Jackson Jackson (deceased) (freedmen)	February 20, 1907
Ree Blanton, (freedman),	February 20, 1907
Lola Love (freedman)	February 18, 1907
Dora Lee and Savannah C. Castle, (freedmen)	February 19, 1907
James Deere, et al.,	February 2, 1907
Charley Kernell,	February 2, 1907
Willard Smith, (freedman)	February 15, 1907
Lila Jefferson (freedman)	February 16, 1907
Bertha Anderson (freedman)	February 16, 1907

Natie Smith, deceased (Tredman)	February 2, 1907
Lacy Grayson, deceased	February 22, 1907
Dallison Hewitt	February 21, 1907
Leah Huggins, deceased	February 23, 1907
Nellie Graham (Tredman)	February 20, 1907
Nicholas (or Nellie) Fox	February 23, 1907
William Russell (Tredman)	February 19, 1907
George W. Bird, deceased	February 2, 1907
Joseph M. Russell (Tredman), deceased	February 22, 1907
Charles Selig Russell	February 22, 1907
William and Eliza Pickett	February 24, 1907
Richard Watkins (Tredman)	February 23, 1907
Willie Smith, deceased	February 23, 1907
Fannie Richards, deceased, Tredman	February 25, 1907
William Russell, alias Wm. Nicholas, Tredman	February 14, 1907

A copy herewith and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

B. A. Kitchcock,

Secretary.

85 ind and
70 for ind. or. with
copy herewith.

MBF 238.
Cr. No. 1096.

Mahegee, Indian Territory, March 12, 1907.

Hughy Perryman,
Wyand, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 15, 1907, denying the application for the enrollment of your minor child, William Perryman, as a Creek Freedman.

Respectfully,

Commissioner.

JBM

CR EN 1097

CR EN 1097

Mr. Box

FEB 14 1907

This is a rather
close case.

But the slip exhibit
don't look like a negro's
hand writing, and March
15 didn't come on Monday.
Jan 15th did. Both mid-
wife and husband agree
positively and ~~convince~~ the midwife
Circumstantial that child
was born on a Monday.

Midwife says it was
cold weather about time child
was born, and that the
child was crawling Oct 4
1906

A.W.C.

En 1091

WAF 236

Doubtful

See report of Walker.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., OCTOBER 2, 1906.

In the matter of the application for the enrollment of
Mackhenry Gowans as a Creek Freedman.

AMANDA CLEVELAND, appearing in person before the Commission-
er to the Five Civilized Tribes, and being first duly sworn
by Henry G. Hains, a Notary Public, testified as follows:

APPEARANCES: J. G.reiber, acting for M. L. Hott, attorney for
the Creek Nation.

BY THE COMMISSIONER:

- Q What is your name? A Amanda Cleveland.
Q How old are you Amanda? A Well sir, I couldn't exactly
tell you, about 55 or 60.
Q What is your postoffice address? A Gibson Station.
Q Are you a Creek Freedman or a state woman? A State woman.
Q Do you know Joe Gowans and his wife Emma? A Yes sir.
Q Are you any kin to them? A Not a bit in the world.
Q Do you live near them? A No sir, I used to live near them,
but I don't now, I live at Gibson Station.
Q How long have you lived at Gibson Station? A Just this year,
I went there this year.
Q What time in this year? A I don't know exactly, I did know
but I have done forgot. I just lived up there this year.
Q Don't you know whether it was the first, second or third
month? A It was just when that big snow was I moved up
there.
Q What is the name of Emma's father, do you know? A Not a word.
Q Do you know her mother? A Yes sir.
Q What is her name? A Sarah Barnett.
Q Has Emma Gowans some children by a fellow named Marshall?
A I couldn't tell you, she had some children by somebody.
Q What are their names? A I couldn't tell you, one of them
died.

Emma Gowans is identified opposite Creek
Freedman Roll, No. 4622.

BY J. G. REIBER:

- Q Amanda you visited on Emma Gowans then a while some time
sometime this year, didn't you? A Yes sir.

- Q Do you know what month it was that that child was born?
- A No sir, as night as I can come at the month we was gleanin' cotton, picking cotton. I can't read and I can't keep the days of the month.
- Q How late did you pick cotton this year? A I couldn't tell you exactly how late, I know we didn't get done, we moved before we got through.
- Q You moved before you got through picking cotton? A Yes sir, and they plowed our cotton in.
- Q Then you was picking cotton up to the time that they went to plowing for this year's crops? A Yes sir.
- Q Where did you live before you moved up to Gibson Station?
- A Right at the bridge.
- Q What bridge? A Vergigris.
- Q That is two or three miles this side of Gibson Station?
- A Yes sir.
- Q Do you remember what month it was you moved up to Gibson Station? A No sir, I don't know.
- Q Was this child of Emma's born before you moved up to Gibson Station or after you moved up there? A After I moved up to Gibson Station.
- Q After you moved up to Gibson Station? A Yes sir, I was at Gibson Station at a preaching, and they told him I was at Gibson Station at a meeting. I had done moved.
- Q Do you know how long you had been at Gibson Station when the child was born? A I don't know, they came after me once before I moved to Gibson, I went to her house twice and the xlast time I went she had the child and still I hadn't moved from the bfridge; I was living at the bridge when the child was born, and I moved to Gibson after the child was born.
- Q I understood you to say a few minutes ago that you moved to Gibson ~~before~~ the child was born, which is right?
- A Let me explain it to you again; the first time they came after me for the child I was living at the bridge, but the child wasn't born then, and the next time they came after me I was still living at the bridge; well I went there on Sunday evening and staid to Tuesday morning, because I know I didn't go home Monday and I got a man to go ad tell my old man that I hadn't got through, and this man went out and got a man at the bridge to tell my old man that I wouldn't be home to-day.
- Q How you say you went there on Sunday? A Yes sir, Sunday evening from Gibson Station. Joe Cowans come to Gibson Station for me and I walked from Gibson Station to the bridge.
- Q When was the child born now, what day of the week? A It was born, I think it was born Tuesday evening, just close to dark; no, it was Monday evening, and I didn't go home until the next morning.
- Q Then the child was born on Monday evening? A Yes sir, Monday evening, just good dark.
- Q Did you get any record of the birth of this child, Mackhenry Cowans, the child of Emma Cowans? A Yes sir, they give me the date.
- Q Gave you the date? A Yes sir.
- Q What did they give it to you on? A I have got it here, I can show you. (Witness produces record referred to).
- Q Is that the piece of paper that they gave to you Amanda?
- A Yes sir.
- Q How how soon after the child was born, was it, that they gave you that piece of paper? A They give me this piece of paper the next morning after I got ready to start home.

- Q Why did they give you that piece of paper? A I got them from them all, I had them from the other two children but I had them in my apron pocket and washed my apron and ruined them.
- Q It is your practice then to get a slip of paper showing the date that you waited on people? A Yes sir, I Used to get them papers in Arkansas and Mississippi.
- Q Now in this package of papers from which you took this paper that I have just asked you about I see one "Studie Perryman, born December 14, 1904". A That's Hughey's child.
- Q I see another one stating "This is to certify that Leonard Perryman was born September 2, 1906"; whose child is that Amanda? A That's Jack's.
- Q Jack Perryman's child? A Yes sir; he is a boy.
- Q I see another one here of Arthur Minus born April 30, 1901; whose child was that? A That was Alice Minus' child.
- Q Is she a citizen or state woman? A She is a citizen.
- Q I see another one here, Clarence Collins was born February 18, 1902, mid-wife, ~~Am~~ Mrs. Cleveland? That is John Collins' child.
- Q I see another one here which says, "This is to certify that Bertha Perryman was born October 7, 1905, baby of Jackson and Mintie Perryman? A Yes sir.
- Q You waited on her at the birth of that child? A Yes sir.
- Q I see another one, saying "This is to certify that Jim Fields was born November 19, 1905, baby of Jim and Leathie Fields". You waited on that lady, did you? A Yes sir.
- Q Now Amanda, how long have you lived in this country?
- A This year will make me five years.
- Q Five years? A Yes sir.
- Q Now this slip that I first asked you about, reads this way: "Henry Mack Cowans born March 15, 1906". Who wrote that slip of paper Amanda? A Joe Cowans.
- Q The day after that child was born? A Yes sir.
- Q Have you had it in your possession ever since? A Yes sir, I had them tied up until this gentleman come and I got them out and showed them to him.
- Q Does this slip of paper give the correct day of the birth of that child, Mack Henry Cowans? A I am going to tell you the truth; if I could read I could tell you but I can't read; they just wrote it and give it to me and I took it, if there is a mistake there they done it themselves.
- Q Did they give you this slip of paper at your request?
- A Yes sir, I asked them for it.
- Q Before you left the house? A Yes sir.

I desire to offer this slip of paper in evidence and make it a part of the record in this case, marked exhibit "A".

- Q Amanda did you have that slip of paper with you when you made the affidavit regarding the birth of this child? A No sir, it was at home.
- Q Did you take it with you when you went before the Notary Public and executed the affidavit? A No sir, I didn't, I didn't know they needed it.
- Q Well, you did make an affidavit before S. A. Watson, a Notary Public, on the 30th day of last May, regarding the birth of this Cowans child? A Yes sir.
- Q Now in that affidavit you stated that the child was born on the 15th day of January, 1906? A Well, he was right there, he said that was when it was born.
- Q Who do you mean by he? A Joe.

- Q Hoe Cewans? A Yes sir, he was down in the field.
- Q Then when you made that affidavit you didn't refer to this slip of paper to find the date of the birth of the child?
- A No sir, I didn't, I am honest, I didn't.
- Q Now it is plain to the Commissioner how it came that you said that this child was born on January 18, 1906, when the slip of paper which you have shown us says it was born on March 18, 1906? A Now gentlemen I am honest, I told you I couldn't read, and when Joe said it was born, and asked me to witness, I didn't know the date of the month, and I only whether I witnessed whether it was right or wrong.
- Q Now Amanda are you positive that that child wasn't born in January? A Well, I couldn't say, if he has got it March and it is January, I don't know, if he has changed it from March to January, I just tell you I don't know, if a mistake was done it was done by him and he ought to come in and correct it, I am honest.
- Q Is that child living? A Yes sir?
- Q When did you last see it? A I aint seed it since away, long in August.
- Q Couldn't you tell the Commissioner how old that child is at this time? A No sir, I couldn't tell him how old it was; if I could I would do it; I know the last time I seed it it was crawling.
- Q Crawling? A Yes sir.
- Q How long after the child was born, was it, before you moved up to Gibson Station? A I don't know sir.
- Q Can't you remember something about that? A No sir, I don't know, I have no business to do and I never try to keep up with the days of the month.
- Q You say you were picking cotton, just gathering your cotton when this child was born? A Yes sir, was picking over, gleaning the cotton.
- Q When the child was born? A Yes sir.
- Q Was that the last cotton you gathered this last Spring when this child was born? A Yes sir, the last cotton.
- Q Who did you sell that cotton to? A I don't know who the old man was, I think it was Mr. Barbee, we were on his place.
- Q Did he buy it at Gibson Station or Wagoner? A I couldn't tell you, I helps make it but my old man does the selling, I don't know who he sold it to but it was on Mr. Barbee's place.
- Q But you do know that when this child was born you were just finishing your cotton picking and that the people were plowing for this year's crops? A I ain't don't know nothing about plowing, they weren't plowing on the same day, I know sir, for we weren't through picking cotton.
- Q I thought that you said a while ago that they plowed your cotton under? A Yes sir, they did, we went backward and forward ~~an~~ after we moved until it got so cold we couldn't pick there and had to plow it under.
- Q Well then you moved up to Gibson Station before you finished picking cotton? A Yes sir, we did.
- Q And you never moved up to Gibson Station until after this Cewans' child was born? A No sir, I didn't.
- Q Now you are sure of that are you Amanda? A Yes sir, I am sure of it, because he were living at the bridge when the Cewans child was born.
- Q What day of the week did you say this child was born? A I went there on Sunday, on Sunday evening from Gibson Station, never stopped at home, and I staid there until Tuesday morning, and the child was born Monday evening, just after good dark, they had to light up the lamp.

BY THE COMMISSIONER:

- Q Didn't you say that you were picking cotton at the time this child was born? A Yes sir.
- Q And didn't you say right after that that they went to plowing?
- A I said they plowed in out cotton, I said they plowed it in, but they weren't plowing when we were picking cotton.
- - - - -

BY MR. LIEBER:

- Q HOW long after you quits picking cotton was it before they want to plowing the cotton in? A It was after Christmas.
- Q Was this Cowans child born before or after Christmas?
- A I don't know sir, I wont say, I don't know whether it was after or before Christmas.
- Q Did you move to Gibson Station before or after Christmas?
- A I moved after Christmas.
- Q Are you sure of that? A Yes sir.
- Q Are you living in a rented house there at Gibson? A No sir, I am living on Mr. Hays' place.
- - - - -

BY THE COMMISSIONER:

- Q This piece of paper you have here which says that this child was born March 15, 1906; who gave you that? A Joe.
- Q Joe gave it to you? A Yes sir.
- Q Do you know who wrote it? A I don't know.
- Q Are you sure it was Joe or Emma? A I couldn't tell you who wrote it.
- Q And he gave you that the next night after the child was born?
- A That morning before I left.
- Q Who else was present when this child was born? A Joe was there and Joe's wife's mother.
- Q What is her name? A Sarah Barnett.
- Q Anybody else? A Well, there had been some more women there but they went home.
- Q What are their names? A Minerva Barnet, Emma's siterister, was there but she went home.
- _____

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me,
this 8th day of October, 1906.

James B. Myers

Notary Public
Notary Public.

NEW BORN

236-9-4522

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 26, 1900.

McHenry Cowan

as a citizen of

Creek

Nation.

Approved 190

Commissioner.

NEW BORN CREEK FREEDMEN.

DEPARTMENT OF THE INTERIOR

REGISTERED

May 31-06

- Born Jan'y 15, 1906.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 22, 1904.

IN HER APPLICATION FOR ENROLLMENT, as a citizen of the creek Nation,
 of Mack Henry Lowans, born on the 15th day of January, 1906.
 (Here insert name of child)
 Name of Father: JOE Lowans a citizen of the United States
 Name of Mother: Emma Lowans a citizen of the creek
 Tribal enrollment of father: None Tribal enrollment of mother: creek
 Postoffice: Wynark, Ind. T. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Western District. }

I, Emma Lowans on oath state that I am 29
 years of age and a citizen by adoption of the creek Nation;
 that I am the lawful wife of JOE Lowans who is a citizen, by
marriage of the creek Nation; that a Male child was
 (Male or Female)
 born to me on 15th day of January, 1906; that said child has been named
Mack Henry Lowans and was living March 4, 1906.

WITNESSES TO MARK:

[Must be Two Witnesses] { E. J. Lowans
James Sanders

Subscribed and sworn to before me this 30 day of May, 1906.

E. A. Watson
My Commissioner & Spies Notary Public
January 4th 1910

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Western District. }

I, A. Wanda Midwife
 attended on Mack Henry Lowans on the 15th day of January, 1906, and
 certify that the child was born to the mother named above, and was
 named Mack Henry Lowans.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, INDIAN TERRITORY
OCTOBER 22 12, 1906:

MBY--236.

In the matter of the application for the enrollment of
Mackhenry Cowans as a Creek Freedman.

APPEARANCES: J. G. Lieber acting attorney for Creek Nation.

Joe Cowans being first duly sworn by Henry G. Hains, tes-
tified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Joe Cowans.
Q: How old are you? A: I am about 33.
Q: What is your post-office address? A: Wybark.
Q: You are a state man are you? A: Yes sir.
Q: What is the name of your wife? A: Emma Cowan.
Q: Is she a Creek Freedman? A: Yes sir.
Q: Are you married to her? A: Yes sir.
Q: How long have you been married to her Joe? A: We have been married going on 8 years.
Q: Have you a child by her enrolled sometime ago? A: Yes sir Malinda Cowans.
Q: How many children have you had by her altogether? A: We have got four.
Q: Is Malinda the oldest? A: Yes sir.
Q: What is the name of the next? A: Charley.
Q: Is he living? A: Yes sir.
Q: What is the name of the next? A: Minerva.
Q: Is she living? A: Yes sir.
Q: What is the name of your baby? A: Mackhenry, and sometimes we call him Henry Mack, just as we want to.
Q: How old is he? A: You can count it yourself, he was born on the 16th. of January, this last January.

Questions by J. G. Lieber acting attorney for Creek Nation.

- Q: He never subpoenaed you as a witness in this case did he?
A: No sir. He didn't subpoena me, he said if he was me he would go to the office and get it straight, I was picking cotton and I thought I would quit this evening and come over and get it straight.
Q: Now Amanda Cleveland waited on your wife when this child was born wasn't she? A: Yes sir.
Q: When she left there you folk gave her a piece of paper saying when the child was born, didn't you? A: Yes sir.
Q: Who wrote that paper? A: I wrote it.
Q: Is that the piece of paper? A: It ain't my handwriting it don't look to be my handwriting--that ain't my handwriting.
Q: Well you did give her a piece of paper? A: Yes sir

- Q: That piece of paper correctly stated the correct date of the birth of that child, didn't it? A: If it said the 15th. of March it didn't—it was the 15th. of June.
- Q: You gave it to her the day after the child was born, didn't you? A: Yes sir. Well she said this—when she got ready to go home she asked us for it and I gave it to her.
- Q: How don't you know Joe that that is the piece of paper you gave her when she was leaving there?

(Showing witness Exhibit A)

- A: That ain't my hand-writing.
- Q: Isn't that the piece of paper you gave her?
- A: I gave her a piece of paper similar to that but that ain't my handwriting.
- Q: Are you willing to swear before this Commissioner that that is not the piece of paper you gave her? A: Yes sir, why it don't look to be the piece.
- Q: How are you willing to swear that that is not the piece of paper you gave her? A: I gave her a piece of paper but I am not positive that this is the piece because that ain't my writing, I can't write that good at all.
- Q: Well do you know that you wrote on a piece of paper that was given to her? A: Yes sir I wrote a piece of paper and gave it to her but that ain't my hand-writing.
- Q: You swear that ain't your handwriting, do you?
- A: Yes sir that ain't my handwriting. Because I can't write near that good.
- Q: Where did you get that piece of paper that you gave her, did you tear it out of something? A: Yes sir, it was just a piece of day book.
- Q: Have you that day book with you? A: No sir, I haven't got it.
- Q: Where is it? A: Why it might be home, part of it, just an old book that had a few leaves in it.
- Q: And you think that child was born the 15th. day of January, do you? A: Yes sir.
- Q: How far do you live from Muskegee? A: I live about 5 miles. ---Well I live about 6 miles/ I live a good mile on the other side of Wybark.
- Q: Where does S. A. Watson a Notary Public live? A: He lives in Wybark.
- Q: Well how you knew early last Spring that new born children were entitled to enrollment didn't you? A: Yes sir.
- Q: You saw the notices all up in the post-offices didn't you?
- A: Yes sir.
- Q: That was early last Spring wasn't it? A: Yes that was pretty early.
- Q: Were you in good health all last Spring? A: Yes sir I was in tolerable good health all last Spring.
- Q: Your wife too? A: Yes sir.
- Q: Mrs. Cleveland too? A: As far as I know she was well enough to come over.
- Q: Can you explain to the Commissioner why you folk waited until the 30 day of last May to make application for the enrollment of this child when this child was born on the 15th. day of January as you say?
- A: The reason I didn't make any quicker steps to it is because they said it was plenty of time. Of course I never hurried about it that is all.
- Q: Is that child Mackenry Cowans still living? A: Yes sir he is living to show for himself, it was just a mistake in me not giving her the date of the month, you can send over and ask anybody throughout the country, all of them know

- this you know, and you need not take any certain name, just take anybody, they know this you know about when it was born and they can tell you about him.
- Q: Was the child born before or after you saw these notices put up in the post-office? A: Lets see, I don't know sir. I don't know when the notice was put up.
- Q: Don't you remember whether the child was born before you saw this notice or after you saw it? A: I don't remember, I ain't got any sense to remember very long and so I wouldn't be positive about that but anyhow I know it was born on the 15th. of January.
- Q: How many months old is the child now? A: Well you can count from January on up.
- Q: Without counting can't you tell how old the child is without counting? A: No sir, I can't tell unless I count it.
- Q: Does your wife know how to write? A: No sir, she don't know how to write she can't write a bit.
- Q: Have you got a record of the birth of this child, any place?
- A: Well I haven't got it any more than my brother in law James Mickins has got it down in the bible, that is all that I have got.
- Q: When did he write that down in the bible? A: He wrote it down, I don't know exactly when, but I think it was about a week after it was born, we were over to our mother-in-laws and he wrote it down in the bible. He has all the ages of the children down in his bible.
- Q: Where does he live? A: Aside of me just about a half mile on the other side of Wybark. his post-office is Wybark.
- Q: North of Wybark? A: Yes sir.
- Q: On which side of the Katy tracks? A: On the West side of the Katy Tracks.
- Q: What is his name? A: James Mickins.

Questions by Commissioner:

- Q: On what day of the week was this child born, Joe?
- A: I don't know it so ems to me like it was Monday.
- Q: Were you there when it was born? A: Yes sir.
- Q: What is the name of the child just older than Mackhenry?
- A: Minerva.
- Q: When was she born? A: She was born ---let me see--- I never can think of anything---but it is all set down.
- Q: You can't think of her age although it is set down somewhere?
- A: Yes sir.
- Q: You have seen it there somewhere have you? A: Yes sir.
- Q: But you can't think of it now? A: No sir.
- Q: When was Charley born? A: He was born in August the 4th. he was 5 years old this last August.
- Q: Can you tell what year Minerva was born? A: Minerva is 2 years younger than Charley, she was born in 1908 I think.
- Q: Do you know what month? A: No sir I don't know what month.
- Q: Don't even know now what month you child Minerva was born in?
- A: No sir, I just naturally forgets and I am not very much to remember it anyhow.
- Q: Then how does it come you can remember January 15?
- A: Because that ain't been so long past.
- Q: What did you mean a minute ago when you said it was just a mistake in you giving her the date of the month?
- A: What I mean is, if she gave it in on the 15th. why this paper that this gentleman shows me, that ain't my hand-writing.

Q: How do you mean when you say it was a mistake in giving her the date in the month, do you mean to acknowledge that is the piece of paper you gave her?

A: No sir, I don't mean that, I mean if she drewed it from the paper I gave her and had it wrote that way, she drewed it off wrong, and that is a better hand than I can write, For if I gave her a piece of paper, if it was there the 15th, I made a mistake and she made a mistake in drawing it off that way if she drewed it off.

Q: Do you think it is likely that you would have written it down the 15th. of march if as you said you wrote it down close to the time of the birth of that child?

A: I say if I put it on there, I ain't positive what I put on there, of course I don't know it is so long.

Q: You rather think you put on there what is on this piece of paper, isn't that what you mean, if you say you made a mistake in giving her the date?

A: I said even if I did put it down on the piece of paper in March the 15th. I was wrong in doing so. The child is there and can stand alone and has two teeth in its head, that is plain enough truth, that is just a mistake in the paper given through me or somebody, of course I heard of it and I came over to give the best satisfaction I could. And if you want any other proof I can bring the child and its mammy here.

Questions by J. G. Lieber, acting for Creek Nation.

Q: Q: Who is E. J. Cowan? A: He is a fellow who lives at Wybark.

Q: He witnessed the affidavit that your wife and Mrs. Cleveland made about the birth of this child, didn't he? A: Yes sir

Questions by Commissioner:

Q: Do you understand what you are doing now? Do you understand the nature of an oath---what it means when you hold up your hand and are sworn and what the consequences will be if you deliberately tell a lie under oath---say something that is not true on a material point---don't you know what would happen to you? A: No sir, I don't.

Q: Don't you know what the penalty is? A: Yes I have seen some fellows go to the pen from two to 5 years for it.

Questions by J. G. Lieber acting attorney for Creek Nation.

Q: Who wrote out that affidavit? A: Sam Watson.

Q: A Notary Public? A: Yes sir.

Q: Where was Amanda Cleveland living at the time this child was born? A: Right over the Verdigris river on the east side of the Katy track, right there at the river. And their crops was right across there and they was hauling some corn over to Gibson station and this fellow Cleveland her ~~man~~ son came to the house when I got there and I asked where was Grand-ma, and he said she wasn't there she was out in the field and I told him I didn't have time to stop and told him I was in a hurry my folk were kind a sick---he wanted me to kind a stop and talk and he said he thought they were over there in the field gathering corn he said you had better hurry up, the men is fixing to move it to Gibson, and they might have been pulling corn and gone

- but I caught them before they got off to Gibson, and she was coming back to pick cotton while they were gone.
- Q: Did they move to Gibson Station at that time?
- A: No sir but they was moving the corn you know as they pulled it.
- Q: How long after this child was born before they moved to Gibson Station? A: I don't know sir, how long it was.
- Q: Was that the only time you went for Mrs. Cleveland to wait on your wife? A: No sir, I think I went twice before. It was either once or twice, I know.
- Q: Did you find her the other two times you went for her?
- A: One time I found her--lets see-- once I think I found her in the field and the other time I went for her I found her at Gibson Station, she had been there to church and I went up there and brought her from Gibson and she went home and got her apron and came right over to my house.
- Q: Was the child born the time you went after her to Gibson Station or when you went for her in the corn field?
- A: It was born the time I went for her to Gibson Station.
- Q: What day of the week did you go to Gibson Station and get her? A: It was on Sunday.
- Q: How long after that was it before the child was born?
- A: The child was born that night sometime, I know it was near Monday morning, the nearest I can recollect.

This is all the evidence taken in said cause on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before
me this 19 day of October, 1906.

Edward H. Merriam
Notary Public.

NEVER IN REPLY TO THE FOLLOWING:
H. P. 234
C. E. 1097.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 20, 1907.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

I have the honor to report that while in the employ of the Creek Nation investigating fraudulent enrollments and fraudulent applications for enrollment that I thoroughly investigated the matter of the application for the enrollment of Mackhenry Cowans as a Creek freedman.

I obtained information to my entire satisfaction that the said Mackhenry Cowans was entitled to be enrolled as a Creek freedman and so reported to the Creek Nation.

Yours truly,

J. H. Mackup.

ATE
Cr. En. 1097
WBF 236

WBC
CM

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Mackhenry Cowans as a Creek freedman.

DECISION

The record in this case shows that on May 31, 1906, application was made, in affidavit form, for the enrollment of Mackhenry Cowans as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. 137). Further proceedings were had October 8 and October 12, 1906. There is attached to and made a part of the record herein a slip of paper marked "Exhibit A", upon which is found the name of "Henry Mack Cowans Born March 15, 1906".

It appears from the evidence and the records in the possession of this office that the applicant is the minor child of Joe Cowans, a non-citizen, and Emma Cowans, a duly enrolled citizen of the Creek Nation, whose name appears on a partial schedule of Creek freedmen approved by the Secretary of the Interior on the 28th day of March, 1902, opposite No. 4522.

Although the evidence is contradictory as to the date of birth of the applicant it appears from the weight of the evidence that he was born January 18, 1906, and was living at the time the last proceedings were had herein.

It is, therefore, ordered and adjudged that the applicant, Mackhenry Cowans, is entitled to be enrolled as a Creek freedman under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. 137), and the application for his enrollment as such is accordingly granted.

COMMISSIONER.

Muskogee, Indian Territory,

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DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE LAND OFFICE
MUSKOGEE, I. T., March 1, 1906.

IN THE MATTER OF AN alleged fraudulent allotment to Lillian Davis, whose name appears on Creek Freedman New Born Roll, opposite No. 417.

WILLIE DAVIS, being sworn, testified as follows.

- Q What is your name? A Willie Davis.
- Q What is your post office address? A Lee, Indian Territory.
- Q How old are you? A I think I am about 41 or 42.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Mary Davis.
- Q How old is she? A I don't know, I think she is somewhere in 35 or 36.
- Q Have you children that are enrolled under the Act of Congress, approved March 3, 1905? A Yes, I have two children.
- Q What are their names? A Lillian and Carl Davis.
- Q How old is Carl? A Carl was 4 years old last December.
- Q Is he living? A No sir, dead.
- Q When did he die? A Died in October, 1905.
- Q How old is Lillian? A She was a year old last August.
- Q Is she living? A Yes sir.
- Q Has anyone been appointed administrator for Carl Davis, deceased? A No sir.
- Q Did you on December 14, 1905, appear at this office and make application for an allotment for Lillian Davis? A I did not.
- Q Have you ever selected or filed on any land in Section 1, Township 18 North, Range 11 East, just North of Sapulpa for Lillian? A No sir.
- Q Have you land up near there on which you have improvements? A No sir.
- Q Do you know Willie Davis whose post office address is Benthiville? A I don't believe I do.
- Q Did you ever at any time get your mail at that place? A No sir.
- Q Have you ever been there? A No sir, I don't know where it is.
- Q Have you ever before this time attempted to make application for this child? A Yes sir, I have been here and brought in a paper on which I had some land selected up near Broken Arrow and he, that man, said it was filed on, that was the only time I came in.
- Q When was that? A After Christmas, in January I think.
- Q It was in the New Year? A Yes sir.
- Q After you found out that the land was filed on, you did not attempt to file for her? A No sir.
- Q Have you since that date been back to this office? A No sir.
- Q How long have you been getting your mail at Lee? A Over 5 years, I guess.
- Q How far do you live from that town? A Just two miles from the town.

- Q Did you on March 27, 1905, appear at this office with your wife and this baby Lillian and make application for its enrollment? A No sir, my wife came.
- Q You were not present with her? A No sir.
- Q Was Nellie Manuel the midwife at the birth of this child Lillian? A Yes sir.

The undersigned, being sworn, states as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings in the above case and that the foregoing is a true and complete transcript of her stenographic notes thereof.

(Signed) Nora A. Waller.

Subscribed and sworn to before me this 2nd day of March, 1906,
at Muskogee, Indian Territory.

§ 2 A 2

(Signed) W. B. Perkins
Notary Public.

Josephine R. Pratt, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Josephine R. Pratt.

Subscribed and sworn to before me this 1st day of May, 1906.

(Signed)
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JUNE 12, 1906.

In the matter of the application for the enrollment of
Leonard Davis, as a Creek Freedman.

Mary Davis, being duly sworn, testified as follows:

- Q What is your name? A Mary Davis.
Q What is your age? A 36.
Q What is your post office? A Lee, I.T.
Q What is the name of your father? A Mack Hally.
Q What is the name of your mother? A Wiley Wright.
Q What Creek Indian town do you belong to? A Canadian.
Q You enrolled a child under last year's law? A Yes sir, Lillian Davis.

Witness is identified as Mary Davis opposite Creek Freedmen
Roll No. 1699.

- Q What is the name of this baby you have in your arms? A Leonard.
Q How do you spell it? A L-e-n-a-r-d.
Q Did you have a midwife when the child was born or doctor?
A I had a midwife.
Q What is her name? A Jane Turner.
Q Is she here? A Yes sir, she is here.
Q Where? A Out in the hall, Jane Or Jennie Turner I am not
positive which is her right name.
Q What is the name of the father of this child? A Willie C. Davis.
Q Are you married to him? A Yes sir.
Q When was this child born? A 2nd day of March.
Q This year? A Yes sir.
Q What day of the week was it borne you remember? A I don't
know exactly what day it was.
Q To the best of your recollection, what day of the week was it
born, don't you know? A Wednesday I believe.
Q Did you write down anywhere--make a record of the birth of
the child? A No sir, I don't think I did.
Q Do you know of anybody that made a record of it? A No sir.
Q Did you buy anything for yourself or for the child, anything
like that? A No sir.
Q How old is the child? A Born March 2.
Q I am asking you how old the child is, I didn't ask you when it
was born, can't you tell how old it is? A Three months I guess.
Q Is it more or less than three months? A More.
Q How much more? A I don't know exactly without thinking it
a good long while.
Q Who was present when the child was born? A None but the
midwife.
Q How long after the birth before your husband saw it? A I don't
exactly know how long, it was the same evening, he was at work
somewhere.
Q Was it born in the evening? A Yes sir.
Q About what time? A Between three and four o'clock.
Q In the evening? A Yes sir.
Q Did you live in town or out in the country? A I live in the
country.
Q Does your husband go to town on Saturdays? A Sometimes he does.
Q Did he go to town the Saturday after the child was born? A No
I don't think he did. I can't know.

The calendar for the year 1906 consulted it is found that March 2 falls on Friday.

Willie C. Davis, being duly sworn, testified as follows:

- Q What is your name? A Willie C. Davis.
Q How old are you? A Well I don't know my age exactly, but I suppose I ought to be 42 or 43 somewhere along there.
Q What is your post office address? A Lew, I.T.
Q What is the name of your father? A J.P. Davison, he is sometimes called Bass Hawkins.
Q What is the name of your mother? A Her name was Rose.
Q What Creek Indian town do you belong to? A Arkansas.

Witness is identified as Willie C. Davis, opposite Creek Freedmen Roll No. 1698.

Q Were you present when this child Lenard Davis was born?

A Yes sir.

Q You were right there when it was born? A No sir.

Q Did you see it born? A I was in the next room, I didn't see it when it came forth.

Q How long was it after the birth of the child before you saw it?

A I don't know just exactly---I could get an idea I guess, --just about the time the midwife got there with the little one---she kinder wrapped it up and called my attention to it.

Q Was it a longer time than a hour? A Shorter than that, about five or ten minutes I guess.

Q Was anybody else present besides the midwife? A My wife and the midwife was all at the time, and the children--no one on the outside was there.

Q What day of the week was this child born? A I think it was on Thursday, I think it was Thursday.

Q What time was it born? A I think it was in the afternoon, if I am not mistaken.

Q You are a farmer? A That is my occupation.

Q Don't you go to town on Saturdays? A Some Saturdays I do.

Q Did you go to town the Saturday after this child was born?

A I don't think I did.

Q How old is this child? A He ought to be about three or four he isn't a year old.

Q Q What do you mean by three or four? A Three or four months.

Q Do you know how old the child is? A He was born in March.

Q How many months ago? A I am confident it is two months old.

Q Are you confident it is not three months old? A I am confident it was two months.

Q You are sure it is two months old and not three? A I said I was confident it was two months old.

Q Do you know whether it is three months old? A Maybe three.

Q Do you know if it is more than three months? A May be a fraction over I don't know.

Q Unless to go back to a date fixed in your mind--what is that date? A To my knowledge it is three end of March.

Q What fixes that in your mind, did you do anything that would make you remember that date? A That is all I remember it was born March 2.

Q Did you look at the almanac? A No sir.

Q Did anyone tell you it was March 2, did you write it down anywhere that the child was born March 2, or anything like that?

A I can't remember, my wife may have I don't remember.

Q If you didn't write it down you haven't got a thing to make you remember it was March 2? A Perhaps I might have the date in my mind. I can remember things --some things--without putting it down, and I had this fixed in my mind, and I can remember that without any writing.

Q Was there anything out of the ordinary happened that time any deaths in your family or in the neighborhood, or anything like that, to make you remember it was March 2nd? A Yes sir, there was a death in the neighborhood.

Q Do you what date that happened on? A I don't remember.

Q Why is it you fixed it March 2 in your mind? A You can remember things that happen on certain dates that you can remember, some things happen to other people that don't interest you and some things happens that is important--more important to you than anybody else.

Q You didn't write the date of the birth down or anyone for you write it down, you didn't look at the almanac or calendar, and you didn't talk to anybody about it, no big event that happened that date to fix it in your mind, you don't remember what day of the week it was born and you don't know how old the child is, yet you can say positively the child was born March 2? A No sir you are wrong there, I said I believe it was Thursday that the child was born.

Q Do you positively swear it was on Thursday? A No sir.

Q Then you don't know? A I will just let it go the way you say, the way you want it.

Q Can you tell me the name of anyone---of any witness who knows when your child was born, besides the midwife, any witness that would further fix this date? A No sir, I guess not, I can't tell you of any witnesses I knew in the neighborhood. They came there and saw the child after it was born, but was not there at the time of its birth.

Q Can you tell me the name of the first person who saw this child besides those mentioned? A I remember this girl's mother was there, but I don't know whether she was the first one or not to see it after it was born.

Q How long after the birth of the child before this girl's mother came there? A I think it was the same day.

Q Was it the first day or the second day or what that her mother came there? A I don't remember exactly what day it was, but I remember it was shortly afterwards.

Q It was shortly afterwards but you don't know whether it was the first day or the next day? A I don't think it was the same day.

Q Well was it the first day? A I don't know exactly, I knew it was shortly afterwards.

Q Was it as much as a week afterwards? A It was before a week she came.

Q What day of the week did she arrive there? A I don't remember that.

Q Do you go to church on Sundays? A Some Sundays I do.

Q What is the name of your preacher of the church you attend? A H.C. Reed.

Q Did you go the Sunday after the birth of the child? A I don't think I did.

Q Do you remember whether you did or not? A I don't think I did.

Q Did you go the Sunday before it was born? A No sir.

Q Did you go two Sundays after it was born? A No sir, I stayed right close, thinking that she was likely to be sick anytime. I didn't want to go very far.

Q I mean did you go to church two Sundays before the birth of the child? A No sir.

Mary Davis, recalled, testified as follows:

- Q How long were you sick after the child was born? A About a month.
- Q You were not able to be up and about for a month? A Yes sir.
- Q Did you have a doctor other than the midwife? A No sir.
- Q The child was born about a month before you got up? A I wasn't in bed the whole time--the whole month, I was able to be up and around in the house, but I didn't go out of the house.
- Q How long since you were able to be up? A About a month or more.
- Q According to that your child would be two months old two months or more old. You said you were sick one month and have been able to get up about a month or little more, wouldn't that make about two months? A No answer.
- Q This is a boy is it? A Yes sir.

Jane Turner, being duly sworn, testified as follows:

- Q What is your name? A Jane Turner.
- Q What is your age? A Soon will be 67 years old.
- Q What is your post office address? A Lee I reckon.
- Q Do you know the woman Mary Davis? A Yes sir.
- Q And her husband? A Yes sir.
- Q How far do you live from them? A I don't know how many miles, but I know her when I see her.
- Q Did you act as midwife when her last child was born? A Yes sir.
- Q What is that child's name? A I don't know what they have named him.
- Q You were there then and helped her when the child was born? A Yes sir.
- Q How long ago was that? A It was in March, about the end I think.
- Q You think it was the end of March, do you? A Somewhere along there. I know it was in March.
- Q You are sure it was in March? A Yes sir.
- Q Do you positively swear that it was born in the month of March? A I reckon so, it was in March.
- Q Are you sure it was in the month of March that you were there and helped this woman at the birth of her child? A Yes sir.
- Q Why did you say you reckon so? A I said it was in March.
- Q What day in March? A I think it was the end.
- Q What day of the week was it, Monday, Tuesday, or what? A I just couldn't say exactly what day it was.
- Q You couldn't? A No sir.
- Q How many months in a year are there? A I don't know, sir.
- Q Do you know the names of the months? A I don't know anything about it.
- Q What month is March this? A I don't know.
- Q What month was last month? A I don't know.
- Q What was the month before this last month? A I don't know anything about the months.
- Q What was the month before that? A I don't know.
- Q You can't tell anything except that this child was born in March? A Where did you hear that? A I heard it was the end of March, Mr. Davis said so.
- Q Just now? A No sir.

Q Didn't he tell you just now to say it was born in March when he went out in the hall to tell you to come in? A No sir. He was saying something about the baby.

Q You are sure he didn't tell you that you must say the child was born March two? A No sir, he never told me that.

Q What were you talking about down there in the hall? A I was telling him to care for the baby while I went in and told him to take it's little wrap off.

Q I saw you talking to him, you and he talked quite awhile, you weren't talking about the date of the birth of this child, were you? A No sir, I was telling him that the baby wouldn't keep its shoes and stockings on.

Q You know that the child was born in March, you only know that because they told so? A Yes sir.

Q Did they tell you what day in March it was born? A I think he said the 2nd. That was before I went home from there.

Q Did you go home right after the birth of the child? A No sir.

Q How long after did you go? A I stayed there---going in four weeks.

Q You stayed there about four weeks? A Yes sir.

Q Why did you stay there that long, was she sick and you couldn't leave her? A She wasn't quite well, I was going before that but I didn't.

Q Where did you go from there right straight from there, where did you go? A I to my home to my daughter's.

Q What is that daughter's name? A Harriett Shelton.

Q What is her post office address? A Lee, I think.

Q What is where these people get their mail? A I don't know.

Q How far apart do they live, your daughter and the Davis family?

A I couldn't tell you, I don't know anything about the distance, but it is just a short ride.

Q When you got to your daughter's house did you tell her that these people had a child born to them? A She was asking how it come out and I said I left her alright.

Q Did you tell her the date of the child's birth? A No sir, I didn't tell her that.

Q Why didn't you tell her? A I wasn't going to tell anything about that, all the children were in the house, and I wasn't going to talk to her about it before then.

Willie C. Davis, recalled, testified as follows:

Q You yourself filed for Lillian? A Yes sir. I filed for Lillian once, but it was kinder tangled up business, when I came in to make selection for her, it seems like some other party had filed for her, and I had the numbers of course, and they allowed me to file for her.

Q You mean to say it was like this: You came in to file for both of your children, Carl and Lillian just before Christmas, but they didn't allow you to file for Carl but you filed for Lillian? A Yes sir.

Q Of course Carl was dead? A Yes sir, they told me I had to be appointed administrator something like that, before I would be allowed to file for her, and I told him to leave that land, the man that allowed me to file for Lillian, I told him to leave that land for me, I thought I would wait until Mr. Dixy came back, and I would take up the matter.

Q You came in here about three months or so ago and testified in the matter of a fraudulent allotment about Lillian? A Yes sir.

Q You remember that distinctly, don't you? A Yes sir.

Q Was this child Lenard born then when you came in to testify about the filing for Lillian? A I am trying to think whether she was or not.

Q I will read you a part of your application: You gave your name, age and post office address, and later you were asked if Carl was living, and you said he died in October. You were asked: "Has anybody been appointed administrator for Carl", you answered "no sir. You were asked: "On December 14, 1905, you appeared at this office and made application for an allotment for Lillian Davis", and your answer was: "I did not". You remember that event of your coming here and testifying to that effect? A Yes sir.

Q The next question was: "Have you ever selected or filed on any land in Section 1, Township 18 North, Range 11 East, just north of Sapulpa for Lillian", and you answered "No sir". You recollect giving testimony on that date to that effect? A Yes sir.

Q You remember that distinctly? A Yes sir.

Q Tell me had your child Lenard been born then when you came in to testify? A I don't think it was.

Q Did you go right back home from Muskogee after testifying?

A Lets see---I think so if I am not mistaken.

Q Was that child of yours born yet when you got back home?

A I don't remember.

Q You don't remember? A No sir.

Q Was it born the next day after you got back home, or two days or three days after? A I actually don't remember, I couldn't answer that question because I don't remember.

Q Now Willie I want you to use your best recollection about that time you came in to the Creek Land Office and they talked to you about someone else filing for Lillian, you remember that? A I came three times.

Q I don't want to know about any other time except the time when you came in to testify, where I very carefully read the questions and answers, and in order that you may not be mistaken on this, and to refresh your mind, I will read some of it again. You were asked: "Have you land up near where you live on which you have improvements?" You answered "No sir". and as follows:

Q Do you know Willie Davis whose post office is Rantleville?

A No sir. I don't believe I do.

Q Did you ever at any time get your mail at that place? A No sir.

Q Have you ever been there? A No sir. I don't know where it is.

Q Have you ever before this time attempted to make application for this child? A Yes sir, I have been here and brought in a paper on which I had some land selected up near Broken Arrow, and he, that man, said it was filed on, that is the only time I came in.

Q When was that? A After Christmas in January I think.

Q It was in the New Year? A Yes sir.

Q Isn't that enough that has been read to you to refresh your memory? A I want to explain, I want you to understand me thoroughly where in a person that was born and died, how can you remember just the exact date or the minute or something like that, but those words you speak to me about, they were asked me but I can't just say that it was such and such a time, I can't remember.

Q I haven't asked you to remember the date on which you came in and gave this testimony, I am trying to fix that event in your mind, you said a while ago you had a certain date fixed in your mind? A Go ahead I will answer you.

Q Now at this time these questions were asked you and the answers given by you--this time, I am talking about that time you gave testimony, that child had not been born, this child Lenard, had it? A I tell you I didn't know exactly. I don't think he was born at that time.

Q Haven't I read enough of that testimony to fix clearly in your mind that event I have reference to, you recollect that event well, and you think you went right back home from Muskogee, after giving testimony, do you recollect that you found this child Lenard born when you got back home? A I can't say exactly, no sir.

Q Was it born the next day after you got back home after giving these answers? A I just can't swear to that, I can't answer that question because I am not able to answer.

Q When these questions were asked and the answers given was that the last time you appeared in the Land Office? A No sir, I don't think it was. When I came to file for Lillian then, they told me they would set a time for me to appear here and that other man, who they said filed for Lillian, we would appear at a set date.

Q I am asking you a very easy question? A I will read this testimony from the beginning to the end in order to fix that date in your mind--of that visit. (Reads Testimony). Don't you remember that event? After my reading it all to you? A Yes sir.

Q Do you remember making that visit to the Creek Land Office?

A Yes sir, since you read it over.

Q This child Lenard was not born then was he? A I tell you that is a question I wasn't able to answer, I don't remember that.

Q You couldn't tell me how long after that this child was born?

A No sir.

Q Don't know whether it was a week or a month? A No sir.

Q If that child had been born the day after you came in here to the Land Office to give this testimony and filing for Lillian or the next day, you would remember it? A I don't know whether I would or not.

Q This is a plain question, if I came in here and had a big argument about filing for one of my children that was on the roll, and go back home and a child was born right ~~away~~ after that day or the next day, don't you think that I would be most likely to remember that? A Yes some people can remember those things.

Q But you don't think the child was born the next day after going home from the Creek Land Office after giving testimony, you don't actually remember that do you, isn't that a plain question? A Its plain enough but I can't remember.

Q Do you or did you not remember having seen a child--don't you remember that a child was actually born the next day after your visit to the Land Office? A I just can't remember.

Q Do you remember or do you not remember? A I tell you I only ~~remember~~ want to answer those that I know, and I don't remember.

Q You don't remember? A No sir.

The testimony referred to was taken March 1, 1906.

Lona Merrick being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merrick

Subscribed and sworn to before me this 15th day of June, 1906.

Edw. M. Merrick

Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
AUGUST 31, 1900.

HRP-244.

In the matter of the application for the enrollment of
Leonard Davis, as a Creek freedman.

APPEARANCES: John C. Lieber, acting for M. E. Hott,
attorney for Creek Nation.

Jennie McIlbra, being first duly sworn by Henry G. Hains
testified as follows:

Questions by Commissioner:

- Q: What is your name please? A: My name is Jennie McIlbra.
Q: How old are you? A: I can't tell you.
Q: About how old are you? A: Well I say I am about 50.
Q: What is your post-office address? A: Lee.

Questions by John C. Lieber:

- Q: Do you know Mary Davis, the wife of Willie G. Davis?
A: Yes sir.
Q: How far do you live from them? A: About a half mile.
Q: Did you live at the same place and did they live at the same
place on the 2nd day of last March? A: Yes sir.
Q: How long have you been living that close to them?
A: Three years, this year will make it four.
Q: Have they a child by the name of Leonard Davis? A: Yes sir.
Q: How old is that child? A: Well I couldn't tell you exactly
how old the child is but the child was born in April of '98,
am not mistaken. It is a spring child, I think it is in
April.
Q: What makes you think the child was born in April?
A: Because it was in the spring, we were just starting cotton.
Q: Did you make a trip to their place sometime in May?
A: Yes sir, in May.
Q: What time in May? A: I don't remember what time in May
we had that it was. I do remember I was there just that
time it was in May, I can't tell you.
Q: Was it the first of May or the middle or the latter part of
May? A: It was the middle part of May but I don't remember
the date.
Q: You are positive the child was born in May? A: Yes sir.
Q: How was Mrs. Davis the mother of this child out of bed
at the time you were over there?
A: She was up then, I was.
Q: How long had she been up Mrs. McIlbra? A: She was up
and up a good little while before I came.

- Q: Well about how long? A: Well I would say about 2 weeks and better. She was up long before I left for Boggs.
- Q: Do you know how long she was sick in bed after the birth of that child? A: No sir.
- Q: How old was the child when you first saw it? A: The child was about 2 days old.
- Q: Do you know what date it was you saw the child, what day of the week? A: No sir, I don't remember what day it was.
- Q: How did you happen to see the child? A: Why she was living right side of the section line and I was passing by and I thought I would turn off and see the baby, I heard there was a baby born.
- Q: What was the condition of the grass at that time, had it started to grow yet or what was its condition?
- A: I didn't notice all of that, no, I didn't.
- Q: Where were you going when you stopped by there to see that child? A: I was going down to the church house.
- Q: Was there a meeting there at that time? A: It was just a little call meeting for the women.
- Q: Do you know the date of that meeting? A: No sir, I don't.
- Q: Who called the meeting? A: It was just a little society meeting, the home Mission Sisters.
- Q: Do you know of anybody who could probably give me the date of that meeting? A: I don't know.
- Q: Were there been any other meeting for that society since that time? A: Yes sir.
- Q: How many times? A: We has that meeting every Wednesday.
- Q: Every Wednesday in the week? A: Yes sir.
- Q: Do you know of anything special that happened at that particular meeting at that time? A: No sir.
- Q: That was on Wednesday? A: Yes sir.
- Q: The child was then 2 days old you say? A: Yes sir.
- Q: How do you know it was just two days old Mrs. Medilbra?
- A: I can't swear that, but when I heard about the child it was about 2 days.
- Q: Before you stopped by to see it? A: Yes sir.
- Q: What kind of weather was it the day you went down there to the meeting? A: I don't know what kind of weather it was.
- Q: Well was it cold or warm or how? A: I disremember the kind of weather it was now, I can't tell about the weather.
- Q: Do you know whether they had a fire in the house when you went in there to see the baby? A: I don't remember whether they had any fire in there or not, I was walking and I was warm, I didn't pay any attention about the fire.
- Q: Your husband is a farmer, is he? A: Yes sir.
- Q: What crops did he plant at the time you went down there and saw that child? A: I don't remember what he had planted, but they was planting cotton all I know.
- Q: Do you know whether he had planted any corn yet at that time? A: I don't know whether he had any corn planted or not.
- Q: Have you seen that child frequently since he was born, Mrs. Medilbra? A: Yes sir.
- Q: When was the second time you saw the child? A: I can't tell when was the second time, but I saw that child there every week nearly. I saw the child yesterday. I was there yesterday evening about 2 o'clock.

- Q: Did you have any talk with the mother of the child when you were there yesterday? A: Yes sir, I had a talk with them to the meeting, I was to the meeting and I stopped there. I am talking about day before yesterday evening, on Wednesday evening.
- Q: Did you have any talk with her about when the child was born or anything like that? A: No sir, we didn't have anything to say about that.
- Q: Did you say anything to her about someone having been out and having talked with you about when the child was born? A: No sir, I had forgot about that, I didn't state anything to her about it.
- Q: You and Mrs. Davis are on friendly terms are you not? A: Yes, but I didn't talk about it, I didn't say a thing to her about it, I forgot to tell her that George Davis was out there.

Questions by Commissioner:

- Q: In your visits to the house of Mrs. Mary Davis have you ever seen an almanac in her house on the wall? A: No sir, I never did notice that.
- Q: Do you think you would be apt to notice it if they had one? A: Yes if I knew they did have one, I would have noticed it. I never noticed it.
- Q: Do you remember of any other child being born in your neighborhood about the same time Leonard Davis was born? A: No sir, I don't remember.
- Q: Do you remember of any deaths in your neighborhood about the time of the birth of Leonard Davis? A: No, I don't remember that neither.

Questions by John G. Lieber, acting for Creek Nation.

- Q: Now Mrs. McGilbra according to your idea of the seasons of the year, that is, Spring, Summer, Fall and Winter, when does Spring begin according to your idea? A: It begins in March.
- Q: What part of March does it begin Mrs. McGilbra? A: I never did take that notice, I guess you can find it but I never did notice it in the almanac.
- Q: Well it is in the first part of March is it when spring begins? A: I don't know.
- Q: Now you say that this child was born in the spring? A: Yes sir.
- Q: Of course we know when Spring begins according to the almanac but what I want to know is when you think spring begins so we may fix a date or near to it when the child was born. A: It is bound to be on a date but I don't know what time it is.
- Q: What is your idea about it, is it the first of March or the middle or the last of March? A: I would say the first of March I don't know now, it may not be.
- Q: Now how do you say Mrs. Davis was sick after this child was born? A: I don't know how long she had been in bed but we lived a hard life and we never visited very often, I had all my time to do and was kept busy.

- Q: What is your recollection of it now, as to how long she was in bed after the child was born? A: I can't tell you any more than I am telling you now.
- Q: Do you know whether she was sick for sometime after the child was born? A: Well I couldn't tell you.
- Q: Have you no recollection about that at all?
- A: No sir.
- Q: Well if she would have had a hard time of it after the birth of the child you would have known it and remembered it? A: Yes sir, I don't think she did, if so, I didn't hear of it.
- Q: There was nothing unusual about the birth of that child was there? A: No sir.
- Q: According to your recollection she was in her bed the usual length of time after the birth of a child, was she?
- A: Yes, I know she wasn't real sick from it or nothing.
- Q: And you are positive you made this trip to Beggs in May?
- A: Yes sir, I went in May.
- Q: And she had been up about how long? A: Well I would say about two weeks.
- Q: And according to your recollection what month do you say this child was born in Mrs. McGillbra? A: April
- Q: This last April? A: Yes sir.
- Q: Do you remember the date of the week it was born Mrs. McGillbra? A: No sir, I don't.
- Q: All you remember about that is that you went to this church meeting on Wednesday and the child was then about 2 days old? A: Yes sir.
- Q: So it must have been born along about the first of the week?
- A: It might have, I don't know.
- Q: Now Mrs. McGillbra give the Commission the names of some ladies who live near to where Mrs. Davis lived who would be likely to know when this child was born?
- A: Ellen Harrison lives right North of Mrs. Davis about a quarter of a mile.
- Q: Is she friendly to the Davis's? A: Yes sir.
- Q: Now then give us the name of another one? A: Emma Jennie Charles.
- Q: How far from Jennie live from Davis's?
- A: Jennie is about a mile and a half from the Davis's North.
- Q: Are they friends of the Davis's? A: Yes sir.
- Q: Anyone else Mrs. McGillbra? A: I don't know any else, I don't think there is many knows about it.
- Q: Hussy Manual she lives East of the Davis's.
- Q: How far from them? A: About a mile from Mrs. Davis.
- Q: They are friends, are they of the Davis's?
- A: Yes sir.
- Q: Now who is the closest neighbor to Mrs. Davis?
- A: Ellen Harrison.
- Q: Now are those all the people you can think of who would likely know the date of the birth of this child?
- A: Yes sir.
- Q: Do you know Jane Turner? A: There is one old lady by the name of that, she is an old lady.
- Q: How far does she live from the Davis's? A: Well I couldn't tell you how far it is.

- Q: In what direction do these people live from some town?
 A: They all is north and northwest of Boynton.
 Q: How far? A: About 7 miles.

This is all the evidence that was given in said case on said date.

On September 1, 1906, the further hearing of said case was continued, and the evidence given on said date is as follows:

Mulsie Manuel, being first duly sworn, by Henry G. Haine a Notary Public, testified as follows:

- Q: What is your name? A: Mulsie Manuel.
 Q: How old are you? A: 38.
 Q: What is your post-office address? A: Lee.

Questions by John G. Licher, acting for H. L. Nett, attorney for Creek Nation.

- Q: Do you know Mary Davis? A: Yes sir.
 Q: Do you know her husband? A: Yes sir.
 Q: What is his name? A: Willie Davis.
 Q: How far do you live from them Mrs. Manuel?
 A: About a mile.
 Q: How long have you been living that distance from them?
 A: I don't know sir.
 Q: About how long? A: More than a year? A: Yes I guess so.
 Q: Well now you know whether you have been living there more than a year don't you? A: Yes sir.
 Q: You visit the family do you not, and they visit you?
 A: No sir.
 Q: Never visit each other? A: No sir.
 Q: You never visit each other? A: No sir, I hardly ever went on a visit to the house I was a person who hardly ever visits, I stay at home.
 Q: Are you on friendly terms with Mrs. Davis? A: No sir.
 Q: Are you related to her in any way? A: No sir.
 Q: Do you know a child of hers by the name of Leonard? A: Yes sir the baby.
 Q: How old is that child now? A: I don't know.
 Q: Well I don't know sir, I don't see them, I don't see any more of them, in the house or anywhere else.

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Q: You have seen the child have you? A: Yes, I have seen the child.

Q: How old was the child when you first saw it? A: Well I can't exactly tell because I never asked but I know it was a baby.

Q: Well you can generally tell if a child is a few days old or a month old couldn't you Mrs. Manuel? A: Yes sir.

Q: About how old was this child when you first saw it? A: Well it might have been a month old I guess.

Q: Do you remember of Mrs. Davis being sick when this child was born, that is it was known in the neighborhood that she had given birth to this child, you remember that do you? A: Yes sir.

Q: Well now about that same time, did you see this child then? A: No sir, in that same time I never went over there, but after she was well and could get around, she went to church and I went to church and saw her.

Q: How can you tell me about when it was you saw the child Mrs. Manuel? A: It was at church.

Q: I said when? About when? A: It must have been along in May or June sometime. It was between May or June.

Q: You are positive it was one or the other of those months? A: Yes sir.

Q: What makes you think it was either in May or June Mrs. Manuel? A: Because I know I went up there one Sunday to church.

Q: Do you go to church very often? A: Yes sir.

Q: Was there anything special going on the Sunday you went that you first saw this child? A: It was a church meeting it was the Covenant.

Q: Can you tell us when that meeting was held? A: It was in May I think.

Q: Was it on Sunday? A: Yes sir.

Q: See if you can think and give us the exact date of that church meeting you speak of Mrs. Manuel? Was it the second or the third or the fourth Sunday? A: It was the first Saturday in every month, The first Saturday and Sunday.

Q: Was this then the first Sunday in May or the first Sunday in June? A: It was the first Sunday in June.

Q: You think then the child was about a month old? A: Yes sir, he was about a month old then.

Q: Did you talk with Mrs. Davis at that time? A: Yes I didn't ask anything about how old the baby was, but I asked what the baby was named and she told me.

Q: Did you ask her how long she had been out of bed? A: No sir, I didn't have any talk with her about that.

Q: Now you say that you remember of having heard that she had given birth to this child, that is, it was the talk in the neighborhood, now can you tell us about when that child was born, Mrs. Manuel? A: No sir, I can't tell, I don't know.

Q: What was the condition of the crops at the time this child was born? A: My husband was just breaking up the crops at the time this child was born, I guess it was late in April or June or sometime, but the other folks was planting.

Q: What were they planting? A: They were planting some corn.

Q: Do you remember what the condition of the grass was at the time this child was born, whether it had come up yet, or not? A: I never noticed that.

Q: Now do you know of any child in that neighborhood, Mrs. Manuel, that was born about the time this child was born? A: No sir.

- Q: Can't think of a single one? A: No sir, I can't think of a single one, there ain't any around there hardly.
- Q: Do you know of any child or any person having died around there in your neighborhood just about the time this child was born? A: No sir, I can't think of any.
- Q: According to your recollection what month would you think that this child Leonard Davis was born in? A: Well it must have been April sometime, but what date of the month I don't know.
- Q: Was it warm weather when this child was born, Mrs. Manuel?
- A: No sir, not so very warm, there was some cold days in April.
- Q: Are you positive that this child wasn't born as early as the second of March? A: No sir, it wasn't born in March.
- Q: You are sure of that? A: Because I never heard about it.

Questions by Commissioner:

- Q: Are you enrolled as a Creek? A: Yes sir.
- Q: Freedman or by blood? A: Freedman.
- Q: Are you unfriendly with these people? A: No sir because she was my school mate.
- Q: Well a minute ago you said you were unfriendly, you didn't mean that you had any ill-feeling towards them? A: No sir I meant I didn't have any ill-feeling towards her at all.
- Q: What did you mean when you said you were unfriendly with her?
- A: I guess I didn't understand you.
- Q: Have you a child named Pearl? A: Yes sir.
- Q: Gertie? A: Yes sir.
- Q: Hamant? A: Yes sir.
- Q: Willie? A: Yes sir.
- Q: Herbert? A: Yes sir.
- Q: And Sam? A: That is my step-son.
- Q: Mulzie have you a new born child named Luther Manuel?
- A: Yes sir.
- Q: When was he born? A: 1903.
- Q: Did you come in and file for him? A: My husband did.
- Q: Did you come in with him? A: No sir.
- Q: You remember of him coming in do you? A: Yes sir, I know he did come. He is here now.
- Q: What month was it he came in? A: Oh well, I don't know.
- Q: Was it this year? A: No sir, it was a last year.
- Q: That a filed for this child Luther Manuel, that was this year wasn't it? A: No sir. Oh yes, sure enough I remember it was this year.
- Q: When did he come in here to file for this child? A: It was in February.
- Q: Of this year? A: Yes sir.
- Q: That child Leonard Davis wasn't born then was he? A: No sir.
- Q: It was as much as two months after your husband came in here to file for your child before Leonard was born? A: No (answer)
- Q: Do you know it was in the month of February your husband came in to file for your child Luther? A: Yes I do, he had put it down but I have forgotten.
- Q: He is here is he? A: Yes sir.
- Q: Well, didn't you state to Mr. Lieber a while ago that you didn't see this child until about a month after it was born? A: Yes sir.
- Q: Then it must have been in the month of May that you saw it?
- A: Yes sir.
- Q: How do you know it was just a month old?

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A: According to what he said, and I guess it was.
 Q: Who said? A: He. (Referring to Mr. Lieber, counsel for Creek Nation)
 Q: If he was born in March, do you think that you would know it?
 A: Yes sir.
 Q: Do you see these people often? A: Yes, I see them passing by.
 Q: Are these people any kin to you? A: Yes sir, her husband is.
 Q: What kin are you to Willie C. Davis? A: Well I can't exactly tell what kin, but he is related to me.
 Q: Didn't you say you went to school with Mary? A: Yes sir.
 Q: On good terms with her and friendly are you? A: Yes sir and friendly yet, we never have one cross word.
 Q: Do you know anything about Willie C. Davis coming in here to the land office in the month of March?
 A: No sir, he never told me anything about it.
 Q: What is your husband's name? A: Adam Manuel.
 Q: Does he know about when this child was born? A: No sir.
 Q: Don't he know as much as you do about it?
 A: These are things he don't pay much attention to.
 Q: You are sure though, that this child Leonard Davis could not have been born in March? A: No sir, I don't think he was born in March.
 Q: If he was born as early as March 2nd, that is just the first part of March, you would have known it wouldn't you?
 A: Yes, I would have been bound to hear somebody say something about it that Mary Davis had a baby.
 Q: You never saw it until you saw it in the meeting? A: Yes I saw the baby in the meeting in May.
 Q: At that time you understood that it was not more than a month old? A: Yes sir.
 Q: Who is the presiding leader or officer in charge of these church meetings? A: I don't know sir.
 Q: Who conducts the services the first of every month when they have these Covenant meetings? A: Elder Reed.
 Q: Does Mr. Reed talk to you people sometimes after Church?
 A: Well I ain't a member.
 Q: But Mary Davis is? A: Yes sir.
 Q: Well if she had been confined and prevented from going to church during the month of April, when that child was born, wouldn't he be likely to be able to tell about that? Wouldn't he have missed her? A: I don't know.

This is all the evidence given in said cause on said date.

On September 4, 1906-- further evidence was taken in said cause, in the matter of the application for the enrollment of Leonard Davis, as a Creek Freedman.

John G. Lieber, present, acting for H. L. Matt, attorney for Creek Nation.

HEP-244.

Ellen Harrison, being first duly sworn, by Henry G. Hains, a Notary Public, testified as follows:

Questions by John G. Leber, acting for M. L. Mett, attorney for Creek Nation.

- Q: What is your name? A: Ellen Harrison.
Q: How old are you? A: About 32, I guess, I don't know exactly.
Q: What is your post-office address? A: Lee.
Q: When is your birthday? A: I don't know sir.
Q: Don't you know what month it comes in? A: It comes in December, but I don't know the date.
Q: Are you a Creek Freedman? A: Yes sir.
Q: You have made application for the enrolment of that child there? A: Yes sir.
Q: What is its name? A: Leora Harrison.
Q: Do you know Mary Davis? A: Yes sir.
Q: Do you know her husband Willie Davis? A: Yes sir.
Q: How near do you live to them? A: About a half mile.
Q: How long have you lived a half mile from them?
A: About 3 years I guess, may be longer, I guess, I don't know
Q: Are you well acquainted with Mrs. Davis? A: Yes sir.
Q: Visit with her often, do you Mrs. Harrison?
A: No sir, not very often, I hardly goes any place.
Q: You are on friendly terms with her ain't you? A: Yes sir we never had any quarrels or anything.
Q: Is she related to you in any way? A: No sir.
Q: Is your husband related to her in any way? A: No sir.

Q: Is your husband related to either one of them? A: No sir not as I knew of.
Q: Do you know their child, Leonard Davis? A: Yes sir.
Q: How long have you known that child Mrs. Harrison?
A: Since in the Spring, since April.
Q: How old was the child when you first saw it? A: I don't know sir exactly, I was to Beggs and when I came back she it was walking about.
Q: What time did you go to Beggs? A: The latter part of March.
Q: Was the child born when you went to Beggs, Mrs. Harrison?
A: No sir.
Q: How long did you stay in Beggs? A: I had been out there pretty near 3 weeks, my father was sick and I went down there to take care of him and when I came back she was walking about.
Q: With the child? A: Yes sir.
Q: That is she had the child in her arms? A: Yes sir.
Q: How how do you remember it was the latter part of March when you went to Beggs? A: I don't know exactly what date it was but I knew it was the latter part because my husband was fixing to plant corn.
Q: Is that your baby you have in your arms there? A: Yes sir.

- Q: How old is that baby Mrs. Harrison? A: 9 months old going on 10.
- Q: You are certain when you went to Beggs that Mrs. Davis had not given birth to this child? A: Yes sir.
- Q: Did you ever hear Mrs. Davis say when the child was born Mrs. Harrison? A: No sir, I never did ask her.
- Q: How long before you went to Beggs was it that you had last seen Mrs. Davis? A: Oh, I couldn't tell you I don't know what time I did see Mrs. Davis I never did visit her much and she never visited me either.
- Q: Well just state about how long it had been that you had seen her before you went to Beggs? A: It may have been a week maybe longer.
- Q: Ordinarily how often did you see Mrs. Davis? A: I see her sometimes in church, she don't visit me much.
- Q: Do you see her on an average every week, Mrs. Harrison? A: No sir, sometimes I didn't see her for 2 or 3 weeks.
- Q: Do you go to the same church she goes to? A: Yes sir.
- Q: Now see if you can think a little and remember how long it was before you left for Beggs before you saw Mrs. Davis the last time? A: I hate to say anything that aint so, I can't say exactly how long it was before, it might have been a week and it may have been longer.
- Q: Well you are certain though that her child Leonard was not born before you went to Beggs? A: Yes sir.
- Q: What makes that fact certain in your mind Mrs. Harrison, that is, the fact that the child wasn't born before you went to Beggs? A: I seen the children most every day and the road passes right by her house and I seen her standing on the porch when I passed.
- Q: You knew that the child had not been born at that time? A: No sir, not when I seen her.
- Q: Have you any way that you can fix the date when you left home to go to Beggs Mrs. Harrison? A: No sir, I don't know exactly what date it was, I didn't keep no count of it at all.
- Q: How did you go, by railroad? A: Yes, I went in the hack to Boynton.

Questions by Commissioner:

- Q: You say you saw Mrs. Davis standing up on the porch? A: She was standing up on the porch.
- Q: You knew her pretty well, did you? A: Yes sir.
- Q: Had she been sick any time just before that? A: No sir.
- Q: It was about a week before that that you had seen her? A: Yes and maybe longer.
- Q: Do you know whether she was expecting to have children born to her at that time? A: No sir, I didn't ask her.
- Q: Well couldn't you tell, living that close in the neighborhood? A: No sir.
- Q: Don't you know as a matter of fact that you were expecting her to have a child at that time? A: Well I don't know sir.
- Q: Didn't you know it was about to happen? A: Yes I knew it was about to happen but I don't know what time, I didn't ask her.
- Q: Couldn't you tell from seeing her standing there on that porch on that day that she was about expecting a child at that time? A: I know she was expecting one.
- Q: From her looks Mrs. Harrison when you saw her, state if she had the appearance of a woman who was expecting a child? A: Yes sir.

Questions by John G. Lieber, acting for M. L. Mett,
attorney for Creek Nation.

- Q: Now Mrs. Harrison you are certain it was not the first part of March you went to Beggs? A: No sir, it wasn't the first part of March.
- Q: You are certain of that are you? A: Yes sir.
- Q: What makes you certain of that? A: They were fixing to plant corn, and I knew it wasn't the first part of March.
- Q: Do you know about when that child Lenard was born, Mrs. Harrison? A: No sir, I wasn't there.
- Q: Do you know what month it was in? A: No sir.
- Q: You say you never heard Mrs. Davis say when it was born? A: No sir.
- Q: Did you ever hear Mr. Davis say when he was born? A: No sir.
- Q: You say you want to Beggs to visit your father who was sick? A: Yes sir.
- Q: And you stayed there about 3 weeks? A: Yes sir.
- Q: Did your father get well or did he die? A: He died. He just died the other day.
- Q: He didn't die then during that illness? A: No sir, he died of the same illness though.
- Q: Now when you left for Beggs Mrs. Harrison, was your husband getting ready to drill his corn any? A: He was harrowing it.
- Q: He planted the corn I suppose while you were at Beggs did he? A: Yes sir.

Questions by Commissioner:

- Q: You stated that you didn't know when that child Lenard Davis was born but as a matter of fact from looking at that woman standing on the porch when you went to Beggs late in March you know it wasn't born then yet, do you?
- A: Yes sir.

Chief Harrison, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by John G. Lieber, acting for M. L. Mett,
attorney for Creek Nation.

- Q: What is your name? A: Chief Harrison.
- Q: How old are you? A: I will be 39 the 4th. of October.
- Q: What is your post-office address? A: Lee.
- Q: Are you the husband of Mrs. Harrison who just testified here? A: Yes sir.
- Q: Do you remember when she went to Beggs last Spring Mr. Harrison? A: I don't remember what date.
- Q: What month was it in? A: Along the last of March.
- Q: You are certain of that are you? A: Yes sir.
- Q: How are you certain it was the latter part of March when you went to Beggs? A: I will tell you how I am certain because I wanted to get my corn in in March, I wanted to get it in as early as I could and there came a rain and I couldn't get it out until the first part of April and I told her to go ahead and see the old man and I would stay and tend the house and while she was gone I put the corn in

- Q: You are on friendly terms with Willie Davis and his wife are you not? A: Oh yes.

This is all the evidence that was taken in said cause on said date.

Further hearing in the matter of the enrollment of Leonard Davis as a Creek freedman, MBF-244, was had on September 5, 1906.

Jennie Charles, being first duly sworn testified as follows:

- Q: What is your name? A: Jennie Charles.
Q: How old are you? A: 31.
Q: What is your post-office address? A: Lee, Indian Territory.
Q: Are you a citizen of the Creek Nation? A: Yes sir.
Q: Creek Freedman? A: Yes sir.
Q: Have you received your land? A: Yes sir.

Questions by John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

- Q: Do you know Mary Davis? A: Yes sir.
Q: Do you know her husband Willie Davis? A: Yes sir.
Q: Do you know a child of theirs named Leonard Davis? A: Yes sir.
Q: How long have you known Mary and Willie Davis, Mrs Charles? A: I have known Mary Davis nearly all my life, and been knowing Willie Davis, to say 20 years.
Q: How close do you live to them? A: About 2 miles.
Q: How long have you lived within that distance from them? A: About 9 years.
Q: Are you intimately acquainted with them? A: Yes sir.
Q: Visit them do you? A: Yes sir.
Q: You and your husband? A: Yes sir.
Q: Are you related in any way to either Willie Davis or his wife Mary? A: I am related to his wife.
Q: In what way? A: Her sister.
Q: Of course you are on friendly terms with her? A: Yes sir.
Q: Do you know anything about when their child Leonard Davis was born? A: In March they said, I wasn't there when it was born.
Q: How old was the child when you first saw it? A: I think it was about 5 or 6 days old, I don't know the exact date but it wasn't old.
Q: You are certain it wasn't over a week old? A: No, I don't think it was.
Q: Of course I suppose you went to see the child as soon as you learned your sister gave birth to it?
A: No, she was away when she gave birth to it. I was here in Muskogee when it was born.

- Q: What were you doing here in Muskogee? A: I came down to attend my lodge, the Household of Ruth.
- Q: Have you been down here to attend that lodge since that time Mrs. Charles? A: No sir, I ain't been down since to attend the lodge here.
- Q: That was the last time you were here to attend the Lodge here in Muskogee? A: I think it was, I think it was the last time, I am not sure.
- Q: Now what time does your lodge meet, what part of the Month? A: The first and third Wednesdays of every month.
- Q: Now do you know what meeting this was you attended whether it was the 1st. or the 3rd. Wednesday in the month? A: No I don't know exactly which one of the Wednesdays but I know I was down here on that business, I don't know whether it was the first or last meeting.
- Q: How long did you stay in Muskogee when you came here on that trip? A: I think it was 5 or 6 days, I didn't stay a week I knew.
- Q: Now can you tell us when it was that you attended that Lodge here? A: I don't know what Wednesday it was but I knew it was in March. I don't think I have attended since then, I don't think I have.
- Q: What makes you think it was in March Mrs. Charles? A: Because I don't remember of coming any other time since then.
- Q: Now you are certain that the Lodge meets on the 1st. and 3rd. Wednesdays of the month? A: Yes sir.
- Q: This was a regular meeting that you attended was it? This last meeting that you attended was it a regular meeting? A: I don't know actually whether it was the first or last meeting.
- Q: It wasn't a special meeting was it? A: No, it wasn't a special meeting.
- Q: Did you hold any official position in the Lodge? A: No sir.
- Q: Was your presence at the lodge on that day recorded in any way? A: No sir, not that I know of.
- Q: Was there a roll call of the members present? A: I don't know, we usually call the roll but whether we called the roll that day or not I don't know, sometimes we do and sometimes we don't.
- Q: Where was that meeting held, Mrs. Charles? What building? A: At the Off Fellows building.
- Q: Here in Muskogee? A: Yes sir.
- Q: Where is it located? A: In the North part of town.
- Q: Who is the Secretary of the Lodge or who was at that time? A: Mrs. Wade.
- Q: Is she here now? A: I don't know.
- Q: Does she live in Muskogee? A: She did at that time.
- Q: Now how long had it been before you was at the meeting that time that you had attended a meeting here before that? A: I don't know sir, I couldn't tell you.
- Q: Well can't you approximate at all about how long it had been? A: Indeed I can't because I am so far from my lodge, I go whenever I can but I can't tell you how long.
- Q: Are you sure you did not attend the meeting just before the last meeting you attended? A: No I don't think I did.
- Q: Did you attend the second one just before the last one you attended? A: No sir.

- Q: At any rate the meeting you last attended was the meeting here at Muskogee about the time that your sister gave birth to this child? A: Well I suppose so because when I got back it was there and it wasn't there before I left I hadn't been to see her for something like 2 weeks before I left for Beggs, she had somebody else and didn't need me particularly.
- Q: And she didn't have the child at least 2 weeks before you left when you were here in March? A: No sir.
- Q: You didn't stay in Muskogee longer than 5 or 6 days on that trip? A: About 5 or 6 I am not sure, but it wasn't a week.
- Q: When you got back the child was born? A: Yes sir.
- Q: Did you go to see your sister as soon as you got back from Muskogee? A: Yes sir.
- Q: Can you tell us Mrs. Charles what month you came down here and attended that meeting? A: I remember it was in March but honestly I don't remember the exact date.
- Q: How do you happen to remember it was in March?
- A: Because it was the last meeting I can remember that I attended, that was in March.
- Q: Who was the presiding officer at that meeting?
- A: I will tell you in a minute they are nearly all new to me, I knew the most Noble Governor is Boswell.
- Q: Mrs. or Miss? A: Mrs. Boswell.
- Q: Did Mrs. Wade act as Secretary at the meeting you last attended? A: Yes sir.
- Q: Have you ever heard your sister say when this child was born? A: She told me it was born the 2nd day of March.
- Q: When did she tell you that Mrs. Charles? A: I don't know exactly when she told me but I heard them all say that is the time and she said that is the time it was born.
- Q: How long did you stay in Muskogee after you went to that meeting that time? How many days?
- A: I don't know the meeting was on Wednesday and I went home I think it was on Friday or Saturday, I don't know which one of the days.
- Q: You are certain you went there the following Friday or Saturday after that Wednesday? A: Yes sir.
- Q: And you went to see those people immediately after you got home that time? A: Yes sir.
- Q: And it was then about 5 days old? A: Yes sir about 5.
- Q: Do you remember what day it was you went to see the child whether it was Sunday or Monday? A: No sir. Whichever one of those days I went home was the day I went to my sister's, I went there just as soon as I got home.
- Q: Now how do you know that the child wasn't but 5 days old when you went to see it? A: I am not sure it was that I think it was about 10 days old honestly what Mrs. Davis told me about the date when it was born.
- Q: Did she say when it was born, what day of the week?
- A: No sir, she didn't tell me that.
- Q: Now isn't it a fact Mrs. Charles that the meeting you last attended at your lodge was the first meeting of April and not a meeting in March, now think a little and see if you are not mistaken about that? A: It must have been but I was most sure it was in March. If I can see the Secretary I can tell you.

Questions by Commissioners:

- Q: Isn't it a fact you thought it was March because Willie and Mary told you it was born the 1st. part of March and therefore you thought it would have to be born in March?
- A: No sir, I didn't think about that.
- Q: Hasn't that influenced your opinion in saying it was in Max March? A: Well I thought it was in March.
- Q: You thought it was in March for that reason didn't you?
- A: I don't know for what reason, but I thought it was in March.
- Q: Isn't that the only reason you have for thinking that, can you tell us any other month in this year that you were at any of those meetings? Were you at any meetings in January? A: I think I was.
- Q: Which one was that? A: I don't know.
- Q: Both of them? A: No sir, I never came to both.
- Q: You think you were there to either one or the other of the meetings in January? A: Yes sir.
- But it was quite a while before I attended another meeting, I don't know whether it was two or three months, until I attended the Lodge. I thought it was in March when I was down and I ain't been there since.
- Q: Did you attend either the first or second meeting in February? A: In February, no sir, I thought you said in January. I think I attended one meeting in January.
- Q: You don't think you attended any in February? A: No sir.
- Q: In March you think you attended one but don't know which one? A: Yes sir.
- Q: You only think, you are not certain are you? A: No sir I am not sure.
- Q: Did you attend any in April, either the first or third Wednesday? A: No sir, I ain't attended any one since.
- Q: What was the nature of this meeting, did you just happen to come down or was there anything particular at that time?
- A: No sir, I didn't just happen down, I came because I wanted to. I came mostly to bring the children to town.
- Q: What was going on? A: Not anything, I promised to bring them down when I came the next time.
- Q: Where did you take them? A: To Mrs. Jones, a lady friend.
- Q: Did you stop at any hotel while you were here in town?
- A: No sir, I didn't stop at any hotel.
- Q: Never registered any place? A: No sir.
- Q: Did you buy any goods here on that trip? A: Nothing except confectionaries for the children.
- Q: Never bought anything on credit on that trip in town?
- A: No sir.
- Q: Did you draw any money from any bank or anything?
- A: No sir.

Questions by John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

- Q: Who have you talked with Mrs. Charles about this case?
- A: Not about this, I ain't talked to anybody.
- Q: You said you talked about coming down here who told you?
- A: Mrs. Davis.
- Q: When did she tell you? A: Not so long before I was subpoenaed.

- Q: How did you know you would have to come down here? A: She didn't say particularly I had to come, she was just telling me they was trying to round her up about the baby, it wasn't anything particular.
- Q: Did she say she wanted to use you as a witness?
- A: No sir, she didn't say a word about using me.
- Q: Do you know any other children in that neighborhood that were born about the time your sister's child was born?
- A: No sir, I am not really living in the neighborhood I am living away out nearly by myself.
- Q: Do you know of any children born in your neighborhood about the time your sister's child was born?
- A: No sir.
- Q: Do you know of any deaths that occurred in your neighborhood about the time your sister's child was born? A: No sir.
- Q: Can you remember anything special that occurred in your neighborhood of any place else for that matter just about the time that your sister's child was born? A: No sir I can't think of anyone.
- Q: How far do you live from Boynton? A: 8-1/2 miles.
- Q: What Direction? A: North.
- Q: Do you do your trading at Boynton? A: Sometimes.
- Q: Where do you do your trading principally?
- A: I haven't any particular place, sometimes at Boynton, Haskell or Lee, any place.
- Q: Do you keep any accounts at any stores? A: No sir.
- Q: None at all? A: No sir.

Questions by Commissioner:

- Q: Did you do any considerable dealing up there before you started down there that time? Either at Boynton or Haskell or Lee? A: No sir, not that I remember.
- Q: Intending to stay five days or so and not do any trading?
- A: No sir.
- Q: You say you brought the children with you, how many?
- A: Two.
- Q: What are their names? A: Sadie and Florence Charles.
- Q: Is Florence Charles your youngest child? A: Yes sir.
- Q: You haven't had any since? A: No sir.
- Q: How old is Florence? A: Five.
- Q: When is her birthday? A: In May.
- Q: When is Sadie's birthday? A: In June.
- Q: Did anybody come down with you besides these 3 children?
- A: No sir.
- Q: Isn't it a fact that Willie Davis came down here with you?
- A: No sir, he didn't come with me.
- Q: Didn't he come down here right close about that time?
- A: No sir.
- Q: You know him don't you? A: Yes sir, I do know him.
- Q: Do you know of him coming to Muskogee any time near to the time you came down here? A: No sir.
- Q: Don't know he came about a week before you did?
- A: No sir, I don't know anything about his coming at all.

- Q: Didn't meet him while you were here in England? A: No sir.
Q: What is the name of your husband? A: Albert Charles.
Q: When does his birthday come? A: In March.
Q: Don't you know that date? A: No sir.
Q: When does your birthday come? A: The 15th of June.

This is all the evidence given in said cause on said date.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval.

Subscribed and sworn to before
me this 17 day of September, 1906.

Edward Herrick.
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY.

NOVEMBER 15, 1906.

NRM-244.

In the matter of the application for the enrollment of
Lenard Davis, as a Creek Freedman.

APPEARANCES: JOHN G. LIEBER, acting for M. L. Mott,
attorney for Creek Nation.

Caroline Roseby being first duly sworn by Henry G. Hains,
a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Caroline Roseby.
Q: How old are you? A: About 31 years old.
Q: What is your post-office address? A: Muskogee, 112 West
Imperia Street.
Q: Do you know Mary Davis? A: No sir.
Q: Do you know her husband Willie C. Davis? A: No sir.

Questions by John G. Lieber, acting attorney for Creek Nation

- Q: Do you know Jennie Charles? A: Yes.
Q: How long have you known her? A: I have known her going on
two years now.
Q: Does she belong to any Order or Society that you do?
A: Yes sir.
Q: Which one? A: House-hold of Ruth.
Q: That is a Lodge here in Muskogee, is it? A: Yes sir.
Q: Do you now or have you ever held any position in that Lodge?
A: Yes sir.
Q: What position? A: I am the Recorder.
Q: How long have you been the Recorder, Caroline?
A: One year this January.
Q: Then you were the Recorder of the Lodge during all of this
year? A: Yes sir.
Q: George Davidson one of the Creek Investigators had a talk
with you a day or so ago about what your record shows with
reference to one Jennie Charles, as to when she last attended
a meeting of the lodge, didn't you? A: Yes sir.
Q: To find out when she last attended?
A: The last time I remember was April 15, she hasn't been to
the Lodge very much this year, she lives so far she hardly
ever comes.
Q: Do you know where she lives? A: Boynton.
Q: When was the last time she attended your Lodge according
to your records? A: April 15.
Q: This year? A: Yes sir.
Q: She has not been to a meeting since? A: No but she sends
money. The last time she was here was April 15. She paid

- 42-
- money so regular that I don't know definitely when she was there since last April on the 18th.
- Q: How did you learn that she had attended a meeting of the Lodge on the 18th. of last April?
- A: The books show that Mrs. Annie Robbins paid \$2.00 for her but it don't show on the 18th. who paid it and I just say she was there, because the books show that Annie Robbins pays so much for Jennie.
- Q: What entry have you on the book that shows that she was there on the 18 of April?
- A: It just says that Jennie Charles paid seventy-five cents and 50 cents endowment.
- Q: Your record shows that she paid that herself? A: Yes sir
- Q: When she sends the money in by anybody else does your record show that it was paid by somebody else?
- A: Yes sir, I generally write it down because sometimes disputes comes up about it.
- Q: Have you that record with you? A: Yes sir, here it is.
- Q: Is this record which you show here a minute book of your meetings? A: Yes sir.
- Q: I see here a record which is supposed to be the minutes of the meeting held on the 18 of April 1906, is that right?
- A: Yes sir.
- Q: I find in the minutes of this meeting this entry---
"Jennie Charles paid fifty cents endowment and 75 cents dues" that was paid by her at that meeting was it Caroline?
- A: Yes sir.
- Q:

The Creek Nation here closes the above case on behalf of the Creek Nation, except for rebuttal.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before
me this 16 day of November, 1906.

Edward K. Morris
Notary Public

Mr Clapp-

I think it is the duty of
the office to protect the interests
of minor applicants or well on
to protect the Creek Nation.

If there is any doubt in this
case as to applicants rights to en-
rollment, applicant should be
given the benefit of it.

The only direct evidence offered
is that applicant was born on
Mch 2/06. + this certainly
affects the ~~to~~ Lacy + daughter
testimony brought out by long
confusing + entangling cross exam-
ination in an effort to defeat
the applicants rights to enrollman-
by fixing date of applicants
birth according to the
meeting date of a lot of
Wagon Ledges.

Applicant is, in my
opinion entitled to enrollment.

J.C.C.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIAN TRIBES.

In the matter of the application for the enrollment
of Leonard Davis as a Creek freedman.

DECISION

The record in this case shows that on June 12, 1906, application was made, in affidavit form, for the enrollment of Leonard Davis as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. 137). Testimony was taken in this matter on said date and further proceedings were had on August 31, September 1, September 4, September 6 and November 16, 1906. A transcript of the testimony taken at this office on March 1, 1906 in the matter of an alleged fraudulent allotment to Lillian Davis whose name appears on Creek freedman New Born roll opposite No. 417 is attached to and made part of the record herein.

It appears from the evidence and the records in the possession of this office that the applicant is the minor child of Willie G. Davis and Mary Davis, duly enrolled citizens of the Creek Nation, whose names appear on a partial schedule of Creek freedmen approved by the Secretary of the Interior on the 13th day of March, 1902, opposite Nos. 1698 and 1699 respectively.

The evidence as to the date of the birth of the applicant is contradictory but it appears from the weight of the evidence that he was born subsequent to March 4, 1906.

It is, therefore, ordered and adjudged that the applicant, Leonard Davis, is not entitled to be enrolled as a Creek freedman under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. 137), and the application for his enrollment as such is accordingly denied.

COMMISSIONER.

Mustoge, Indian Territory.

Cr. En. 1098.

Muskogee, Indian Territory, February 21, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Lenard Davis, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted the record of proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-36.

Gr. En. 1098.

Muskogee, Indian Territory, February 21, 1907.

Mary Davis,

c/o Willie C. Davis,

Lee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Lenard Davis, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LN-35.

Cr. No. 1098.

Muskogee, Indian Territory, February 21, 1907.

Raymond, Moxey & Mullan,

Attorneys At Law,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Leonard Davis, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Or. En. 1000.

McKegee, Indian Territory, February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Leonard Davis, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM-37.

Through the Commissioner
of Indian Affairs.

COPY

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land
18947-1907.

WASHINGTON

March 1, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application for enrollment of Leonard Davis as a Creek freedman. On February 20, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The decision of the Commissioner has been examined and found to be correct, and its approval is recommended.

Very Respectfully,

C. F. Larrabee,

Acting Commissioner

JPB-GH

JP
OK

DEPARTMENT OF THE INTERIOR.

LRS.

WASHINGTON.

I. T. D.

6134, 6144, 7028, 7054-07.
7128, 7226, 7230, 7236-07.
7238, 7248, 7252, 7260-07.
7336, 7340-07.

March 4, 1907.

Direct

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed. Copies of Indian
Office letters submitting your reports and recommending that the
decisions be affirmed are inclosed.

Title of case.

Date of your
Letter of Transmittal.

Henry Lowe,	February 16, 1907.
Mary Rogers, deceased, (Freedman)	February 13, 1907.
Ellen Primer (Freedman)	February 21, 1907.
Charley Williams, deceased, (Freedman)	February 14, 1907.
Clarence Bruner (Freedman)	February 23, 1907.
Maria Sears,	February 23, 1907.
Homer Whetsel, Freedman.	February 23, 1907.
Emma Mason, et-al (Freedmen.	February 2, 1907.
Loanna Johnson (Freedman)	February 2, 1907.
Anna Charlesey, (Deceased.	February 12, 1907.
Rose Bell Brew, (Freedman)	February 13, 1907.
Hubert Humphreys (Freedman)	February 13, 1907.
Little Doctor, deceased,	February 22, 1907.
Lenard Davis (Freedman),	February 21, 1907.

A copy of all the papers in the above mentioned cases
have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock
Secretary.

14 inc. and 28 inc.
for Ind. Of.

3/4/07.

Box 244,

Box 1098.

Muskogee, Indian Territory, March 22, 1907.

Mary Davis,

c/o Willie C. Davis,

Lee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, denying the application for the enrollment of your minor child, Leonard Davis, as a Creek Freedman.

Respectfully,

Commissioner.

JBN

Gr. No. 1094,
MBF 244.

Muskogee, Indian Territory, March 14, 1907.

Raymond, Maxey & Runyan,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, denying the application for the enrollment of Leonard Davis, as a Creek Freedman.

Respectfully,

Commissioner.

JBM

CR EN 1099

CR EN 1099

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
OCTOBER 11, 1906.

MEF. 246.

In the matter of the application for the enrollment of
Jakie Adkins as a Creek Freedman.

APPEARANCES: J. G. Lieber acting for M. L. Nett, attorney
for Creek nation.

Fannie Adkins, being first duly sworn by Henry G. Hains a
Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Fannie Adkins.
Q: How old are you? A: 22.
Q: What is your post-office address? A: Checotah.
Q: What is the name of your father? A: Pete Cotton.
Q: What is the name of your mother? A: Bettie Stidham, before
she married.
Q: What is her name now? A: Bettie Snowden.
Q: Have you some children enrolled? A: Yes sir.
Q: Name those that were enrolled the same time you were?
A: Johnie Frank, Mary Ann, Bettie and Onerity, and Willie.

Witness is identified as Fannie Adkins, opposite Creek
Freedman Roll number 4123.

Questions by J. G. Lieber acting attorney for Creek Nation.

- Q: Are you the wife of William Adkins? A: Yes sir.
Q: And the mother of Jakie Adkins? A: Yes sir.
Q: When was Jakie born? A: On the 30th. of April. On Monday
Q: 1906? A: Yes sir.
Q: Who was present when the child was born? A: My mother-in-
law Mary Denis.
Q: Can you write your name Mrs. Adkins? A: Yes a little.
Q: I show you an affidavit filed in this case on the 31st.
day of May, 1906, filed with the Commissioner on the 31st.
day of May, 1906, is that your signature?
A: Yes sir.
Q: Do you know A. Jackson Temple a Notary Public?
A: Yes sir, I know him.
Q: Did you ever make an affidavit before him regarding the
birth of this child Jakie? A: No sir, I don't know how
come that. He brought that piece of paper out there for
me to sign he said he brought me a blank application
for me to sign for the enrollment of my baby and I told
him my baby was too young. I didn't think I could get
the date and he said he would get it for me. I was after
all right for me, he said the Indian Commission ordered

- him to take up applications on the new borns.
- Q: Was the affidavit which you signed filled out at the time you signed it? That is, did he have your name and your husband's name and the name of your child written in there when you signed that? A: I didn't notice what he had on the paper, he told me to sign it, and after I signed it I told him he didn't have it right, I told him to put it down like it was that it wasn't right to take that date and he said that is all right I will make it all right.
- Q: Did he swear you to that affidavit? A: No sir he didn't swear me to it.
- Q: Do you live in Checotah? A: Yes sir, I live about 4 miles West of town in the country.
- Q: Did you live there at the time he came to your house and had you sign this affidavit? A: I was living out in the country and he came out there.
- Q: Did you ask him to come to your house? A: No sir I did n't know anything about him coming there, I didn't know what he was doing until he came there.
- Q: Who was present when you had this conversation with Temple? A: Dr. Pate. He told Mr. Temple that wasn't right. He first came and asked how old was my baby and I told him I don't remember how old it was but it was born on the last day of April, on the 30th. of April and he told Temple that all the way through that that wasn't right.
- Q: That is he objected to changing the date in that application like you told him it was? A: Yes sir. He said it was all right for me to hush, he would make it all right.
- Q: Was your mother present when you had that talk with him? A: No sir she was out in the field working.
- Q: Was your husband present? A: No sir he was out doors.
- Q: Did your mother sign the affidavit the same day you signed yourself? A: No sir she didn't come to the house until noon, they went back to town before she came to the house.
- Q: When did your mother sign the affidavit? A: I don't know when she signed it, she signed it here in town, she generally works here in town, she might have signed it in town, I don't know.
- Q: Where was your husband when the affidavit was signed? A: He was out in the yard, he wasn't near the house he was out in the field, he just came to the house before they left.
- Q: Did he see the affidavit after you had signed it? A: I guess I did, I don't know, I don't remember.
- Q: You are positive are you that this child was born on Monday the 30th. day of April? A: Everybody on the farm knows it: There are 3 or 4 families there. There are 3 families at least.
- Q: Then if Temple made this affidavit showing that the child was born on the 28th. day of February, 1906 he made it show something that wasn't true didn't he? A: Yes sir I told him to take that off because I was afraid to fill that out or sign my name, I had been before the Notary Public in town to swear out for my other children before and I could go to town for this one too, I told him I thought it was too late, I didn't think I could get to file for this new born child, and he said yes, they will open up sometime in September to file for these new borns.
- Q: And he told you he was sent out by the Dawes Commission did he, to take these applications? A: Yes sir.

but he had that date before he came to my house because he didn't write a thing on that paper he showed it and told me to sign it, that is all. And I saw what he had and he told me to write my name, but the child's age wasn't just like he wrote it there.

- Q: How didn't he make you hold up your hand and swear to this affidavit? A: No sir I was sitting right over by the fire.
- Q: Did he have his Notary seal with him? A: I don't know sir what is that. He didn't have anything that I seen he just had a roll of papers there.
- Q: Did he put that seal on there when he was at your house?
- A: That was already there, I didn't see him put anything there.

The calendar for the year 1906 is consulted and it appears that April 30 falls on Monday.

William Adkins being first duly sworn by Henry C. Haine, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: William Adkins.
- Q: How old are you? A: 31.
- Q: What is your post-office address? A: Checotah.
- Q: You are a United States citizen, are you? A: Yes sir.
- Q: Are you the husband of Fannie Adkins who just left the stand? A: Yes sir.
- Q: How long have you been married to her? A: About 15 years.

Questions by J. C. Lieber, acting attorney for Creek Nation.

- Q: Are you the father of Fakie Adkins? A: Yes sir.
- Q: How old is Fakie at this time? A: I don't know sir, I can't tell how old Fakie is.
- Q: Well about how old? A: I don't know none of the children's ages as far as that is concerned, I didn't keep up with the ages.
- Q: She says the child was born the last of April. Were you there when the child was born, William? A: I wasn't right there I started after my mother, she was the one to wait on her but before I got down there a fellow took me and told me my mother had the word.
- Q: What is your mother's name? A: Mary Lemier.
- Q: Well you got back to the house shortly after the child was born didn't you? A: Yes sir.
- Q: Well do you think your wife is right about the date of the birth of that child? A: Yes, I know she is right.
- Q: Well do you remember that month the child was born in?
- A: I believe it was in April, I think it was in April as near as I can get at it it was in April.
- Q: Are you sure it wasn't born in February? A: No sir, it wasn't born in February.
- Q: Are you sure it wasn't born in the early part of March?
- A: No sir. Well she told me it was born on the 30th, that is all I got on try, she said it was the 30th, I didn't know none of the ages of all, she told me the

- Q: On the 30th. of April? A: Yes sir.
- Q: This year? A: Yes sir.
- Q: Do you know A. Jackson Temple a Notary Public?
- A: Yes sir.
- Q: Did he come to your house sometime last Spring and have your wife make an affidavit relative to the birth of the child? A: Yes sir. The way he came out--he came out and said he was sent out by the Dawes Commission to enroll all the new borns, and I said to him, I said well in write I see at the post-office that child ain't entitled to an allotment, it was March the 4th. I think it was out, and he said well that is all right, they gave me the blanks to have filled out to send in the new borns.
- Q: Did he tell you he was sent out by the Dawes Commission to take these applications? A: Yes sir. I was in the field at work when he climbed up on the main road where I was and he had blanks so high (indicating about 3 inches) in the buggy.
- Q: Did you tell him at that time when the child was born?
- A: Yes sir. I told him in the field that I didn't think it was any allotment for that child and he said oh yes that child is entitled to an allotment and I said well by the writs in the post-office it ain't entitled to an allotment the way it reads up there in the post-office.
- Q: Did you see the affidavit after your wife had signed it?
- A: Yes sir.
- Q: Do you know what it said? A: No sir he never read it to us at all he just told me--he came to me and he said you sign this. I said sign that for what? He said you don't need to give me no oath for that you just sign this to show you are the father of this child, that is a blank he didn't have it filled out--he said just sign my name and he would go back to his office and fill it out.
- Q: Did you sign the affidavit yourself? A: Yes sir, I signed my name but it wasn't filled out, he told me to sign my name and he would carry it back to his office and fill it out.
- Q: Then you signed your own name to some sort of a paper he had there did you? A: Yes sir.
- Q: Is that the paper you signed there William? (Showing witness an application for the enrollment of the child Jakie Adkins)
- A: No sir, I ain't signed that at all.
- Q: Your mother Mary Denis also signed an affidavit about the birth of this child, didn't she William?
- A: I don't know sir whether she did or not, she stayed in town, she stayed there a while, but she went back in town.
- Q: Did you tell Temple who was present when the child was born?
- A: No sir, he is out there off and on and since she has been sick, she was sick all along in February-- and he would come out there and see how she was getting along you know, and he knows when the child was born, he found that out right away--because he said he was sent by the Dawes Commission, he was sent out for that business--he was riding around in his buggy 3 or 4 days for that business.
- Q: Who was with him? A: Nobody was with him.
- Q: Wasn't anybody with him when he came to your house?
- A: Sam Davis. Sam Davis said Adkins go ahead and sign that affidavit and let that kid have the land that is due him. I said I ain't want to get into any trouble about signing

affidavits for this kid, this kid can do without his land, and he said he was going to sign for him.

- Q: Is Sam Davis a Freedman? A: No sir, he is a State man.
 Q: Is his wife an Indian? A: She is on the Indian Roll.
 Q: What is her name? A: Fannie Davis.
 Q: Did you ask Temple to come to your place and make that affidavit? A: No sir, he said that was his business.

Questions by Commissioner:

- Q: Did you make any arrangement with Temple in regard to pay?
 A: No sir.
 Q: How much did you give him for making that affidavit?
 A: I didn't give him anything.
 Q: Didn't give him a promise or anything? A: No sir.
 Q: Don't you know that your wife did? A: No sir all the money we gets her mother gives us and she never had any money to give him or make any promise to.
 Q: When you signed that paper didn't you say you would give him some money? A: No sir he said he was getting paid.
 Q: Who did he say was paying him? A: He said the Dawes Commission was paying him. That is all I know about it.

Mary Denis, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

By Commissioner:

- Q: What is your name? A: Mary Denis.
 Q: How old are you? A: I am 45.
 Q: What is your post-office address? A: Checotah.
 Q: You are a State woman are you? A: Yes sir.

Questions by J. G. Lieber, acting attorney for Creek Nation

- Q: What relation are you to Fannie Adkins? A: I am her mother-in-law.
 Q: You are the mother of Wm. Adkins are you? A: Yes sir.
 Q: Were you present when Fannie gave birth to a child that she named Jakie Adkins? A: Yes sir. There wasn't anybody in the house but me and him.
 Q: When was that child born Aunt Mary? A: It was born the last of April. Monday morning---I just tell you the truth I don't keep up with any days or months that way but it was born the last day of April, Monday morning just betwixt 4 and 5 o'clock.
 Q: You remember that do you? A: Yes sir.
 Q: How do you happen to remember that it was born at that time Aunt Mary? A: Oh my Lord as many as I have been with, that is something I don't like to talk about.
 Q: You just remember that the child was born on the last day of April, Monday morning? A: Yes sir, I went home Saturday evening, stayed all night and on Sunday Fannie was kind a sickly a little, I said I believe I got back home and got my washing done and she said Mary you better stay and I said for that and I looked around at her, I was

- once in a while and I said-----
- Q: In fact you were looking for that child to be born wasn't you? A: Yes sir.
- Q: You stayed and the child was born the next morning?
- A: That is something I don't like to talk about to men.
- Q: Can you write your name Aunt Mary? A: No sir
- Q+- What are you talking about, I can't write my name.
- Q: Do you know ~~me~~ a man by the name of A. Jackson Temple?
- A: I didn't know his name was Jackson at all until Mr. Ot Aswel told me so yesterday. I know Temple they said he was a Notary Public.
- Q: Did you ever make an affidavit before Temple about the birth of your daughters child Jakie? A: No sir. When Temple driv up in the field, him and Sam Davis, for me to touch the pen for Sam's baby I was plowing and that is the onliest pen I have touched for Temple, I ain't touched a pen for any baby of Fannies since I touched the pen here two years and 6 months.
- Q: Was that for Roosevelt Adkins? A: Yes sir.
- Q: If my name is there that nigger sure ought to be whipped.
- Q: Aunt Mary I show you an affidavit filed in this case on the 31 day of May 1906 stating that you were present when Jakie Adkins was born and that it was born on the 28th day of February 1906, the affidavit is signed Mary Dennis, state to the Commissioner whether or not that is your signature to that affidavit? A: No sir, No sir. I never did touch any pen to that.
- Q: Can you sign your name at all Aunt Mary?
- A: No sir/ I just can't spell a little.
- Q: Did Temple ever ask you to touch the pen to an affidavit about the birth of Fannies child, Jakie? A: No sir, no sir I never made that nigger do that.
- Q: Did you ever see this affidavit before I showed it to you here a minute ago Aunt Mary? A: No sir, I never have. No sir that is straight good Lord.

Questions by Commissioner:

- Q: You say that was the only time you touched a pen for a Notary Public was for Sam Davis's child. Was that the only one? A: Yes sir, that was for Malissa Davis.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Now this affidavit which you signed by mark for Sam Davis' child, Malissa Davis, where were you when you made that mark? A: I was in the field plowing.
- Q: In whose field Aunt Mary? A: In Fanny Adkins field.
- Q: What if anything did Temple say to you at that time about his authority for making these affidavits?
- A: He said---Sam said Aunt Mary I want you to touch this pen and I said what for Sam and he said for Malissa, and I said Sam why don't you go to Muskogee and have me touch the pen, so I can see all around, he said oh that is all right, it will just do as well, I am a Notary, just touch it. I said Sam I ought to charge you \$5.00
- Q: Did Temple say who had sent him up there to make out these papers? A: He said the Dawes Commission had given him authority, that is just what he said.

Q: Well did he say in what way, or why the Dances Commission had given him authority to do this work? A: No sir, I never did much talking with him, I told him though I ought to have \$8.00.

We desire to refer to the application for the enrollment of Melissa Davis, filed before the Commissioner on May 9, 1906 for the purpose of showing that the affidavit of the midwife Mary Davis regarding the enrollment of said child is signed by mark by Mary Davis, witnessed by two witnesses and sworn to before A. Jackson Temple.

This is all the evidence given in said cause on said date.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval

Subscribed and sworn to before
me this 18 day of October, 1906.

Edward Hestick
Notary Public.

W.D.F.-246.
Cr.M.,-1099.

SAM
AG.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jakie Adkins as a Creek freedman.

STATEMENT AND ORDER.

The record in this case shows that on May 31, 1906, application was made, in affidavit form, for the enrollment of Jakie Adkins as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137). Further proceedings were had on October 11, 1906.

Although in the original affidavits filed in this case, the surname of the applicant is given as Atkins the name of his mother appearing upon the approved roll of Creek freedmen as Fannie Adkins, further reference to said applicant in this decision will be made under the surname of Adkins.

It appears from the evidence and the records in the possession of this office that said applicant is the minor child of William Adkins, a non-citizen, and Fannie Adkins, whose name appears on a partial schedule of Creek freedmen, approved by the Secretary of the Interior March 28, 1902, opposite number 4128.

The testimony is conflicting as to the date of the birth of said applicant but the preponderance of the evidence shows that said applicant was born on April 30, 1906, and that the original application is false and fraudulent.

It is, therefore, ordered and adjudged that the applicant, Jakie Adkins is not entitled to be enrolled as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), and the application for his enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

FEB 14 1907

7-4128
New Born 248

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 22, 1902.

Jakie Askin

as a citizen of

Creek Nation.

Approved..... 190...

Commissioner.

*New Born Creek Landmen
Born Feb. 28, 1906*

*Department of the Interior
Commissioner of the General Land Office*

Filed

May 31, 1906

Thomas Rexley, Commissioner

Copy.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, of a citizen of the Creek Nation,
of Jakie Atkins, born on the 28 day of February, 1906
[Here insert name of child]
Name of Father: William Atkins, a citizen of the Creek Nation.
Name of Mother: Lannie Atkins, a citizen of the Creek Nation.
Tribal enrollment of father: None Tribal enrollment of mother: 412.P.
Postoffice: Cherokee, Ia

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }

Western District. }

I, Lannie Atkins, on oath state that I am thirty two
years of age and a citizen by birth of the Creek Nation;
that I am the lawful wife of William Atkins, who is a citizen, by
marriage, of the Creek Nation; that a male child was
[Male or Female]
born to me on 28 day of February, 1906; that said child has been named
Jakie Atkins, and was living March 4, 1906.
(Signed) Lannie Atkins (Seal)

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 17 day of May, 1906.

(Signed) A. Jackson Temple
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }

Western District. }

I, Mary Lannia, a mid-wife, on oath state that I
attended Lannie Atkins, wife of William Atkins,
on the 28 day of February, 1906; that there was born to her on said date a male
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named Jakie Atkins.
(Signed) Mary Lannia

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 30 day of May, 1906.

(Signed) A. Jackson Temple
Notary Public.

NEW YORK

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 20, 1906

Jahie Adkins

as a citizen of

Creek Nation.

Approved: 190...

Commissioner.

NEW YORK CREEK FREEDMEN.

Born July 28, 1906.

DEPARTMENT OF THE
COMMISSIONER TO THE INDIAN

OFFICE

10431-4

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1904.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Jakie Atkins, born on the 29 day of February, 1906
(Here insert name of child)
Name of Father: Williams Atkins by marriage Creek Nation
Name of Mother: Fannie Atkins Creek Nation
Tribal enrollment of father: none Tribal enrollment of mother: 4128
Postoffice: Chacotah, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory.

Western District.

I, Fannie Atkins, on oath state that I am thirty two
years of age and a citizen by birth of the Creek Nation;
that I am the lawful wife of Williams Atkins, who is a citizen, by
marriage, of the Creek Nation; that a male child was
born to me on 28 day of February, 1906, that said child has been named
Jakie Atkins, and was living March 4, 1906.
Fannie Atkins

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 17 day of May, 1906.

A. Jackson Temple
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory.

Western District.

I, Mary Dennis, mid wife, on oath state that I
attended on Fannie Atkins, wife of Williams Atkins,
on the 28 day of Feb, 1906, that there was born to her on said date a male
child, and to said child has been named Jakie Atkins.

Cr. 20.1099

REV 248.

Muskogee, Indian Territory, February 16, 1907.

Fannie Adkins,

c/o William Atkins,

Chasctah, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Fakie Adkins, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for His review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM- 49.

Cr. No. 1899.

MBF 248.

Muskogee, Indian Territory, February 16, 1907.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Jake Atkins, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

DM- 80.

Gr. En. 1099.

Muskogee, Indian Territory, February 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Jackie Adkins, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM-70.

Through the Commissioner
of Indian Affairs.

Refer is reply to the following:
Land 17171-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Jakie Adkins, as a Creek freedman, including the decision of Commissioner Bixby, dated February 14, 1907, adverse to the applicant.

The decision of Commissioner Bixby has been examined, is found to be correct, and its approval is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

KEM-LC

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J. P.
O. K.

LINE

I.T.D.

5798, 5798, 6244, 6274-1907.
6254, 6484, 6504, 6510-1907.
6524, 6688, 6670, 6678-1907.
6678, 6698, 6702, 6706-1907.
6712, 6720, 6766, 6770-1907.
6812-1907.
D. C. 12640-1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Greek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your Letter of Transmittal.
Hinnie Atkins,	February 9, 1907.
Willie Nash (Freedman),	February 11, 1907.
James Anderson et al.,	February 12, 1907.
Wallace Smith, (deceased)	February 19, 1907.
Jakie Atkins (Freedman),	February 16, 1907.
Raster Scott et al., (Freedman),	February 9, 1907.
Mary Elizabeth Ellis,	February 9, 1907.
Charles Hawkins et al. (Freedman)	February 13, 1907.
Finnie Conner et al. (Freedman)	February 14, 1907.
John Leacher (deceased),	February 14, 1907.
Olive Grant and Reba Gekar,	February 16, 1907.
Gennetta Peters (Freedman)	February 16, 1907.
John Guy (deceased) (Freedman)	February 14, 1907.
Martha Porter, (deceased),	February 14, 1907.
George Wolf (Freedman),	February 16, 1907.
Mattie Bird, deceased,	February 19, 1907.
Jennie Lewis (Freedman)	February 16, 1907.
Mary McNary	February 14, 1907.
Alonso Franklin (Freedman)	February 14, 1907.
Gracie Johnson (Freedman)	February 16, 1907.
Katie Jamison, deceased (Freedman),	February 14, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian office.

Respectfully,

(Signed) Jesse M. Wilson,

Assistant Secretary.

WCF 3/3/07.

21 inc. and 43 inc.
to Indian office.

Cr. En. 1099

Mustang, Indian Territory, March 14, 1907.

Fannie Adkins,

Care of William Adkins,

Mustang, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 8, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Fannie Adkins as a Creek freedman.

Respectfully,

Commissioner.

END
OF
ROLL

